The Library
of the
University of North Carolina



Collection of North Caroliniana

This book was presented

by
Secretary of State

C345.1
N87
1949 c.3

UNIVERSITY OF N.C. AT CHAPEL HILL
00035476733

This BOOK may be kept out TWO WEEKS ONLY, and is subject to a fine of FIVE CENTS a day thereafter. ~~It was taken out on~~ the day indicated below: Due

~~SEP 31 '52~~

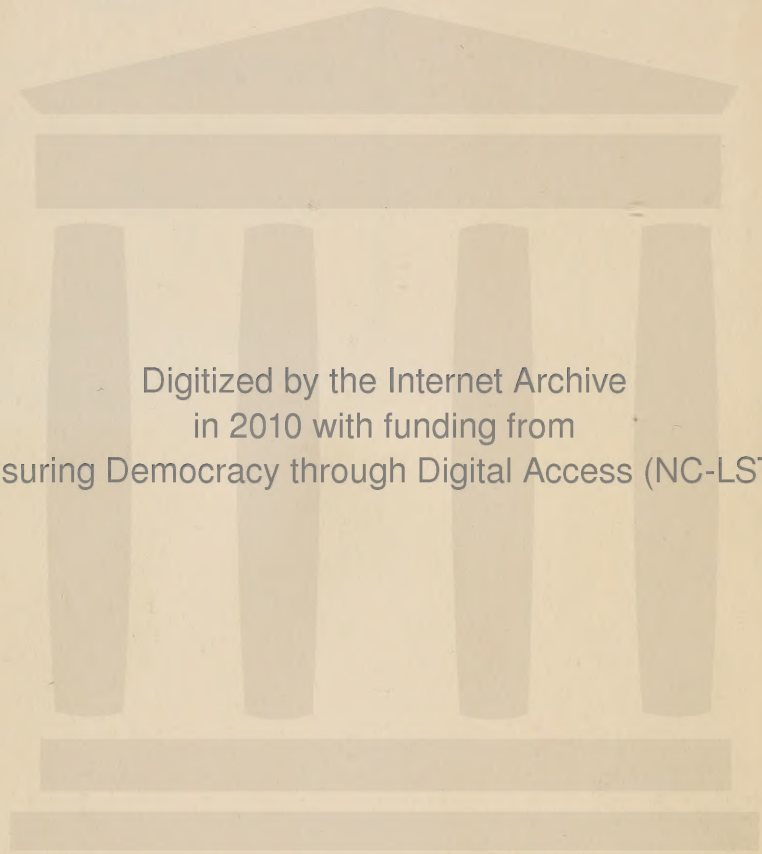
JUL 3 '53

~~SEP 10 '56~~

~~DEC 11 '57~~

~~JUL 18 '63~~

~~MAY 15 '67~~



Digitized by the Internet Archive
in 2010 with funding from
Ensuring Democracy through Digital Access (NC-LSTA)

http://www.archive.org/details/sessionlawsresol1949nort

STATE OF NORTH CAROLINA

1949

SESSION LAWS AND RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, THE FIFTH OF JANUARY, A. D. 1949

PUBLISHED BY AUTHORITY

OFFICIAL REGISTER FOR 1949—1951

LEGISLATIVE DEPARTMENT

H. P. Taylor	President of the Senate	Anson
Kerr Craige Ramsay	Speaker of House of Representatives	Rowan

EXECUTIVE DEPARTMENT

W. Kerr Scott	Governor	Alamance
H. P. Taylor	Lieutenant-Governor	Anson
*Thad Eure	Secretary of State	Hertford
*Henry L. Bridges	Auditor	Guilford
*Brandon P. Hodges	Treasurer	Buncombe
*Clyde A. Erwin	Superintendent of Public Instruction	Rutherford
Harry McMullan	Attorney-General	Beaufort
*L. Y. Ballentine	Commissioner of Agriculture	Wake
*Forrest H. Shuford	Commissioner of Labor	Guilford
*William P. Hodges	Commissioner of Insurance	Martin

* Constitute Council of State (The Attorney-General is the legal adviser to the Executive Department.)

JUDICIAL DEPARTMENT

Supreme Court

W. P. Stacy	Chief Justice	*Raleigh
W. A. Devin	Associate Justice	*Raleigh
M. V. Barnhill	Associate Justice	*Raleigh
J. Wallace Winborne	Associate Justice	*Raleigh
A. A. F. Seawell	Associate Justice	*Raleigh
E. B. Denny	Associate Justice	*Raleigh
Sam J. Ervin, Jr.	Associate Justice	*Raleigh
Dillard S. Gardner	Librarian	Raleigh
Dillard S. Gardner	Marshal	Raleigh
Adrian J. Newton	Clerk	Raleigh
John M. Strong	Reporter	Raleigh

* Official (not legal) residence.

SUPERIOR COURT JUDGES

Chester Morris	First District	Currituck
W. J. Bone	Second District	Nashville
R. Hunt Parker	Third District	Roanoke Rapids
Clawson L. Williams	Fourth District	Sanford
J. Paul Frizzelle	Fifth District	Snow Hill
Henry L. Stevens, Jr.	Sixth District	Warsaw
W. C. Harris	Seventh District	Raleigh
J. J. Burney	Eighth District	Wilmington
Q. K. Nimocks, Jr.	Ninth District	Fayetteville
Leo Carr	Tenth District	Burlington
J. H. Clement	Eleventh District	Walkertown
H. Hoyle Sink	Twelfth District	Greensboro
F. Donald Phillips	Thirteenth District	Rockingham
William H. Bobbitt	Fourteenth District	Charlotte
Frank M. Armstrong	Fifteenth District	Troy
*Wilson Warlick	Sixteenth District	Newton
J. A. Rousseau	Seventeenth District	N. Wilkesboro
J. W. Pless, Jr.	Eighteenth District	Marion
Zeb V. Nettles	Nineteenth District	Asheville
Dan K. Moore	Twentieth District	Sylva
Allen H. Gwyn	Twenty-first District	Reidsville

* Resigned February 14, 1949 to accept appointment as Federal Judge of North Carolina Western District.

Special Judges

W. H. S. Burgwyn	Woodland
Charles L. Coggin	Salisbury
Paul B. Edmundson	Goldsboro
Luther Hamilton	Morehead City
Peyton McSwain	Shelby
George B. Patton	Franklin
George A. Shuford	Asheville

513494

EMERGENCY JUDGES

FELIX E. ALLEY	Waynesville
H. A. GRADY	New Bern

SOLICITORS

WALTER COHOON	First District	Elizabeth City
GEORGE M. FOUNTAIN	Second District	Tarboro
E. R. TYLER	Third District	Roxobel
W. JACK HOOKS	Fourth District	Kenly
W. J. BUNDY	Fifth District	Greenville
J. ABNER BARKER	Sixth District	Roseboro
WILLIAM Y. BICKETT	Seventh District	Raleigh
CLIFTON L. MOORE	Eighth District	Burgaw
MALCOLM B. SEAWELL	Ninth District	Lumberton
WILLIAM H. MURDOCK	Tenth District	Durham
WALTER E. JOHNSTON, JR.	Eleventh District	Winston-Salem
CHARLES T. HAGAN, JR.	Twelfth District	Greensboro
M. G. BOYETTE	Thirteenth District	Carthage
BASIL L. WHITENER	Fourteenth District	Gastonia
JOHN R. MCLAUGHLIN	Fifteenth District	Statesville
JAMES C. FARTHING	Sixteenth District	Lenoir
AVALON E. HALL	Seventeenth District	Yadkinville
C. O. RIDINGS	Eighteenth District	Forest City
W. K. MCLEAN	Nineteenth District	Asheville
T. D. BRYSON, JR.	Twentieth District	Bryson City
RALPH J. SCOTT	Twenty-first District	Danbury

HEADS OF ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

ADJUTANT GENERAL

J. VAN B. METTS ..... New Hanover

DEPARTMENT OF AGRICULTURE

L. Y. BALLENTINE, Commissioner ..... Wake

BOARD OF ALCOHOLIC CONTROL

CARL L. WILLIAMSON, Chairman ..... Wake

STATE DEPARTMENT OF ARCHIVES AND HISTORY

DR. CHRISTOPHER CRITTENDEN, Director ..... Wake

ART SOCIETY

MISS LUCY CHERRY CRISP, Executive Secretary ..... Pitt

BANKING DEPARTMENT

GURNEY P. HOOD, Commissioner ..... Wayne

COMMISSION FOR THE BLIND

H. A. WOOD, Executive Secretary ..... Lincoln

BUDGET BUREAU

R. G. DEYTON, Assistant Director ..... Yancey

BUILDING AND GROUNDS

GEORGE B. CHERRY, Superintendent ..... Wake

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

R. BRUCE ETHERIDGE, Director ..... Dare

BOARD OF CORRECTION AND TRAINING

S. E. LEONARD, Commissioner ..... Edgecombe

STATE BOARD OF EDUCATION

PAUL REID, Controller ..... Surry

STATE BOARD OF ELECTIONS

R. C. MAXWELL, Executive Secretary ..... Wake

EMPLOYMENT SECURITY COMMISSION

HENRY KENDALL, Chairman ..... Cleveland

STATE EMPLOYMENT SERVICE

ERNEST C. MCCRACKEN, Director ..... Haywood

STATE BOARD OF HEALTH

DR. J. W. R. NORTON, Secretary ..... Wake

STATE HIGHWAY PATROL
Under direction of Motor Vehicles Commissioner

STATE HIGHWAY AND PUBLIC WORKS COMMISSION
H. W. JORDAN, Chairman ..... Randolph

N. C. HOSPITALS BOARD OF CONTROL
DR. DAVID G. YOUNG, Superintendent, Mental Hygiene ..... Wake
P. M. PURSER, Business Manager ..... Wayne

INDUSTRIAL COMMISSION
T. A. WILSON, Chairman ..... Forsyth

DEPARTMENT OF INSURANCE
WILLIAM P. HODGES, Commissioner ..... Martin

BUREAU OF INVESTIGATION
WALTER F. ANDERSON, Director ..... Mecklenburg

DEPARTMENT OF JUSTICE
HARRY MCMULLAN, Attorney General ..... Beaufort*

DEPARTMENT OF LABOR
FORREST H. SHUFORD, Commissioner ..... Guilford

LIBRARY COMMISSION
MISS MARJORIE BEAL, Secretary ..... Wake

STATE LIBRARY
MISS CARRIE L. BROUGHTON, Librarian ..... Wake

LOCAL GOVERNMENT COMMISSION
W. E. EASTERLING, Secretary ..... Wake

MEDICAL CARE COMMISSION
DR. JOHN A. FERRELL, Executive Secretary ..... Wake

MERIT SYSTEM COUNCIL
*DR. FRANK T. DEVYVER, Supervisor ..... Durham

DEPARTMENT OF MOTOR VEHICLES
LANDON C. ROSSER, Commissioner ..... Chatham

MUNICIPAL BOARD OF CONTROL
THAD EURE, Secretary (ex-officio) ..... Hertford

PAROLES COMMISSION
WILLIAM DUNN, JR., Acting Commissioner ..... Craven

PROBATION COMMISSION
J. HARRIS SAMPLE, Director ..... Buncombe

DEPARTMENT OF PUBLIC INSTRUCTION
DR. CLYDE A. ERWIN, Superintendent ..... Rutherford

STATE BOARD OF PUBLIC WELFARE
DR. ELLEN B. WINSTON, Commissioner ..... Wake

DIVISION OF PURCHASE AND CONTRACT
W. Z. BETTS, Director ..... Wake

RECREATION COMMISSION
MISS RONNIE SHEFFIELD, Assistant Director ..... Wake

RETIREMENT SYSTEM
NATHAN YELTON, Secretary ..... Mitchell

DEPARTMENT OF REVENUE
EDWIN GILL, Commissioner ..... Scotland

---

* Address: Durham, N. C.
All other official addresses, Raleigh, N. C.

RURAL ELECTRIFICATION AUTHORITY

GWYN B. PRICE, Chairman ..... Ashe

SUPREME COURT

DILLARD S. GARDNER, Librarian and Marshal ..... Orange
ADRIAN J. NEWTON, Clerk ..... Davidson
JOHN M. STRONG, Reporter ..... Wake

DEPARTMENT OF TAX RESEARCH

W. O. SUITER, Director ..... Wake

UTILITIES COMMISSION

STANLEY WINBORNE, Chairman ..... Hertford

VETERANS COMMISSION

JACK PAMPLIN, Acting Director ..... Rockingham

WILDLIFE RESOURCES COMMISSION

CLYDE P. PATTON, Director ..... Wake

WORLD WAR VETERAN'S LOAN FUND

MRS. GRACE HINTON MALLOY, Acting Commissioner ..... Wake

STATE HOSPITALS AND STATE EDUCATIONAL AND CORRECTIONAL INSTITUTIONS AND HEADS

UNIVERSITY OF NORTH CAROLINA

*FRANK P. GRAHAM, *President* ..... Chapel Hill

CHANCELLOR—CHAPEL HILL UNIT

R. B. HOUSE ..... Chapel Hill

CHANCELLOR—STATE COLLEGE UNIT

J. W. HARRELSON ..... Raleigh

CHANCELLOR—WOMAN'S COLLEGE UNIT

W. C. JACKSON ..... Greensboro

STATE SCHOOL FOR THE BLIND AND DEAF

E. N. PEELER ..... Raleigh

STATE HOSPITAL AT GOLDSBORO

DR. IRA C. LONG ..... Goldsboro

STONEWALL JACKSON MANUAL AND INDUSTRIAL TRAINING SCHOOL

J. FRANK SCOTT ..... Concord

N. C. SCHOOL FOR THE DEAF

DR. C. E. RANKIN ..... Morganton

APPALACHIAN STATE TEACHERS COLLEGE

B. B. DOUGHERTY ..... Boone

EAST CAROLINA TEACHERS COLLEGE

J. D. MESSICK ..... Greenville

WESTERN CAROLINA TEACHERS COLLEGE

W. E. BIRD (Acting) ..... Cullowhee

CASWELL TRAINING SCHOOL

MISS ELIZABETH BROWN, (Acting) ..... Kinston

STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS (SAMARCAND MANOR)

MISS REVA MITCHELL ..... Eagle Springs

STATE HOSPITAL AT RALEIGH

DR. EDWARD N. PLEASANTS ..... Raleigh

STATE HOSPITAL AT BUTNER

DR. JAMES MURDOCH ..... Butner

*Resigned March 26, 1949 to accept appointment as United States Senator.

STATE HOSPITAL AT MORGANTON

DR. LOUIS G. BEALL ..... Morganton

N. C. SANATORIUM FOR TREATMENT OF TUBERCULOSIS

DR. H. S. WILLIS ..... McCain

WESTERN N. C. SANATORIUM FOR TREATMENT OF TUBERCULOSIS

DR. C. D. THOMAS ..... Black Mountain

EASTERN N. C. SANATORIUM FOR TREATMENT OF TUBERCULOSIS

DR. H. F. EASON ..... Wilson

N. C. ORTHOPEDIC HOSPITAL

DR. W. M. ROBERTS ..... Gastonia

OXFORD ORPHANAGE

A. D. LEON GRAY ..... Oxford

COLORED ORPHANAGE OF NORTH CAROLINA

T. A. HAMME ..... Oxford

CONFEDERATE WOMAN'S HOME

MRS. LUCILLE McSWAIN ..... Fayetteville

EASTERN CAROLINA INDUSTRIAL TRAINING SCHOOL FOR BOYS

WM. D. CLARK ..... Rocky Mount

NEGRO AGRICULTURAL AND TECHNICAL COLLEGE

F. D. BLUFORD ..... Greensboro

ELIZABETH CITY STATE TEACHERS COLLEGE

S. D. WILLIAMS ..... Elizabeth City

FAYETTEVILLE STATE TEACHERS COLLEGE

J. W. SEABROOK ..... Fayetteville

WINSTON-SALEM TEACHERS COLLEGE

F. L. ATKINS ..... Winston-Salem

PEMBROKE STATE COLLEGE

RALPH D. WELLONS ..... Pembroke

MORRISON TRAINING SCHOOL FOR NEGRO BOYS

PAUL R. BROWN ..... Hoffman

STATE TRAINING SCHOOL FOR NEGRO GIRLS

MISS MAE D. HOLMES ..... Kinston

N. C. COLLEGE AT DURHAM

ALFONSO ELDER ..... Durham

EXAMINING BOARDS

STATE BOARD OF ACCOUNTANCY

E. E. PEACOCK, Secretary ..... Chapel Hill

STATE BOARD OF ARCHITECTURAL EXAMINATION AND REGISTRATION

ROSS SHUMAKER, Secretary ..... Raleigh

STATE BOARD OF BARBER EXAMINERS

R. P. BRANCH, Secretary ..... Raleigh

STATE BOARD OF CHIROPODY EXAMINERS

DR. L. D. ABERNETHY, Secretary ..... Charlotte

NORTH CAROLINA STATE BOARD OF CHIROPRACTIC EXAMINERS

DR. C. H. PETERS, Secretary ..... Rocky Mount

NORTH CAROLINA LICENSING BOARD FOR CONTRACTORS

JAMES M. WELLS, JR., Secretary-Treasurer ..... Raleigh

NORTH CAROLINA STATE BOARD OF COSMETIC ART EXAMINERS

MRS. LOIS HILTON, Secretary ..... Raleigh

STATE BOARD OF DENTAL EXAMINERS
FRANK O. ALFORD, Secretary-Treasurer ..... Charlotte

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
MRS. JAMES H. ANDERSON, Secretary-Treasurer ..... Raleigh

EMBALMERS LICENSING BOARD
JOHN K. WARD, Secretary-Treasurer ..... Wilmington

STATE BOARD OF REGISTRATION FOR ENGINEERS AND LAND SURVEYORS
C. L. MANN, Secretary ..... Raleigh

STATE BOARD OF LAW EXAMINERS
E. L. CANNON, Secretary ..... Raleigh

STATE BOARD OF MEDICAL EXAMINERS
DR. IVAN M. PROCTER, Secretary ..... Raleigh

NORTH CAROLINA BOARD OF NURSE EXAMINERS
MIRIAM DAUGHTRY, Secretary ..... Raleigh

NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY
DR. HENRY B. DAY, Secretary-Treasurer ..... Raleigh

NORTH CAROLINA STATE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION
DR. FRANK R. HEINE, Secretary ..... Greensboro

NORTH CAROLINA STATE BOARD OF PHARMACY
H. C. MCALISTER, Secretary ..... Chapel Hill

NORTH CAROLINA BOARD OF PHOTOGRAPHIC EXAMINERS
EDWIN M. STANLEY, Secretary ..... Greensboro

STATE BOARD OF EXAMINERS OF PLUMBING AND HEATING CONTRACTORS
W. F. MORRISON, Secretary ..... Raleigh

BOARD OF EXAMINERS FOR LICENSING TILE CONTRACTORS
J. KNIGHT DAVIS ..... Wilmington

NORTH CAROLINA BOARD OF VETERINARY MEDICAL EXAMINERS
DR. P. C. MCLAIN, Secretary ..... High Point

UNITED STATES SENATORS

CLYDE R. HOEY ..... Shelby
*FRANK P. GRAHAM ..... Chapel Hill

NORTH CAROLINA REPRESENTATIVES IN CONGRESS

HERBERT C. BONNER	First District	Washington
JOHN H. KERR	Second District	Warrenton
GRAHAM A. BARDEN	Third District	New Bern
HAROLD D. COOLEY	Fourth District	Nashville
THURMOND CHATHAM	Fifth District	Winston-Salem
CARL T. DURHAM	Sixth District	Chapel Hill
F. ERTEL CARLYLE	Seventh District	Lumberton
C. B. DEANE	Eighth District	Rockingham
R. L. DOUGHTON	Ninth District	Laurel Springs
HAMILTON C. JONES	Tenth District	Charlotte
A. L. BULWINKLE	Eleventh District	Gastonia
MONROE M. REDDEN	Twelfth District	Hendersonville

*Appointed March 22, 1949 to succeed J. Melville Broughton, deceased.

GENERAL ASSEMBLY, 1949

SENATE OFFICERS

NAME	POSITION	COUNTY
H. P. TAYLOR	President	Anson
J. C. PITTMAN	President pro tem	Lee
S. RAY BYERLY	Principal Clerk	Lee
ROBERT RASBERRY	Reading Clerk	Pitt
HERMAN SCOTT	Sergeant-at-arms	Chatham

SENATORS

DISTRICT	NAME	COUNTY	ADDRESS
1	W. I. HALSTEAD	Camden	South Mills
1	J. EMMETT WINSLOW	Perquimans	Hertford
2	SAM M. CAMPEN	Pamlico	Alliance
2	JOHN C. RODMAN	Beaufort	Washington
3	FRANK H. GIBBS	Warren	Warrenton
4	JULIAN R. ALLSBROOK	Halifax	Roanoke Rapids
4	L. H. FOUNTAIN	Edgecombe	Tarboro
5	DR. PAUL E. JONES	Pitt	Farmville
6	J. C. EAGLES, JR.	Wilson	Wilson
6	O. B. MOSS	Nash	Spring Hope
7	JOHN D. LARKINS, JR.	Jones	Trenton
7	D. L. WARD	Craven	New Bern
8	HARDY TALTON	Wayne	Pikeville
8	ADAM J. WHITLEY, JR.	Johnston	Smithfield
9	ROY ROWE	Pender	Burgaw
9	HENRY VANN	Sampson	Clinton
10	R. J. HESTER, JR.	Bladen	Elizabethtown
10	GILBERT A. SHAW	Cumberland	Fayetteville
11	HENRY A. MCKINNON	Robeson	Lumberton
12	J. BENTON THOMAS	Hoke	Raeford
12	HAL HAMMER WALKER	Randolph	Asheboro
13	J. C. PITTMAN	Lee	Sanford
13	R. N. SIMMS, JR.	Wake	Raleigh
14	CLAUDE CURRIE	Durham	Durham
14	F. D. LONG	Person	Roxboro
15	J. HAMPTON PRICE	Rockingham	Leaksville
16	JAMES WEBB	Orange	Hillsboro
17	GEO T. PENNY	Guilford	Greensboro
18	EDWIN PATE	Scotland	Laurinburg
18	WADE H. PHILLIPS	Davidson	Lexington
19	R. E. LITTLE	Anson	Wadesboro
19	O. L. RICHARDSON	Union	Monroe
20	*F. J. BLYTHE	Mecklenburg	Charlotte
21	LUTHER E. BARNHARDT	Cabarrus	Concord
21	NELSON WOODSON	Rowan	Salisbury
22	REX GASS	Forsyth	Winston-Salem
23	WM. F. MARSHALL	Stokes	Walnut Cove
24	B. C. BROCK (R)	Davie	Mocksville
25	C. H. DEARMAN	Iredell	Statesville
25	G. ANDREW WARLICK	Catawba	Newton
26	R. GRADY RANKIN	Gaston	Gastonia
27	CHAS. C. DALTON	Rutherford	Spindale
27	LEE B. WEATHERS	Cleveland	Shelby
28	MAX C. WILSON	Caldwell	Lenoir
29	DR. H. B. PERRY	Watauga	Boone
30	DR. C. A. PETERSON (R)	Mitchell	Spruce Pine
31	FRANK M. PARKER	Buncombe	Asheville
32	W. B. HODGES	Henderson	Hendersonville
32	W. H. CRAWFORD	Jackson	Sylva
33	L. B. NICHOLS	Cherokee	Andrews

* Elected February 12, 1949 to succeed Joe L. Blythe, deceased

HOUSE OFFICERS

NAME	POSITION	COUNTY
KERR CRAIGE RAMSAY	Speaker	Rowan
MRS. ANNIE E. COOPER	Principal Clerk	Wake
RALPH MONGER, JR.	Reading Clerk	Lee
H. L. JOYNER	Sergeant-at-Arms	Northampton

REPRESENTATIVES

NAME		POSTOFFICE	COUNTY
E. R. HANFORD, SR.	(D)	Burlington	Alamance
EARL F. LITTLE	(D)	Taylorsville	Alexander
J. K. DOUGHTON	(D)	Sparta	Alleghany
HAL W. LITTLE	(D)	Wadesboro	Anson
TODD H. GENTRY	(D)	W. Jefferson	Ashe
R. A. SHOMAKER	(R)	Newland	Avery
LEROY SCOTT	(D)	Washington	Beaufort
C. WAYLAND SPRUILL	(D)	Windsor	Bertie
D. H. BRIDGER	(D)	Bladenboro	Bladen
ODELL WILLIAMSON	(D)	Shallotte	Brunswick
J. E. DIVELBISS, JR.	(D)	Asheville	Buncombe
LESLIE H. MCDANIEL	(D)	Oteen	Buncombe
ROY A. TAYLOR	(D)	Black Mountain	Buncombe
O. LEE HORTON	(D)	Morganton	Burke
HUGH Q. ALEXANDER	(D)	Kannapolis	Cabarrus
E. T. BOST, JR.	(D)	Concord	Cabarrus
J. T. PRITCHETT	(D)	Lenoir	Caldwell
J. W. JONES	(D)	South Mills	Camden
H. S. GIBBS	(D)	Morehead City	Carteret
W. C. TAYLOR	(D)	Blanche	Caswell
HARRY VANDERLINDEN	(D)	Hickory	Catawba
T. FLEET BALDWIN	(D)	Siler City	Chatham
J. H. DUNCAN	(D)	Murphy	Cherokee
J. H. MCMULLAN	(D)	Edenton	Chowan
FRED D. PASS	(D)	Hayesville	Clay
B. T. FALLS, JR.	(D)	Shelby	Cleveland
J. K. POWELL	(D)	Whiteville	Columbus
BURL G. HARDISON	(D)	New Bern	Craven
F. M. AVERITT	(D)	Fayetteville	Cumberland
TROY A. FISHER	(D)	Fayetteville	Cumberland
E. R. JOHNSON	(D)	Currituck	Currituck
D. L. HAYMAN	(D)	Nags Head	Dare
L. A. MARTIN	(D)	Lexington	Davidson
J. N. SMOOT	(R)	Mocksville	Davie
LEWIS W. OUTLAW	(D)	Seven Springs	Duplin
DAN K. EDWARDS	(D)	Durham	Durham
ROBERT M. GANTT	(D)	Durham	Durham
BEN E. FOUNTAIN	(D)	Rocky Mount	Edgecombe
WINFIELD BLACKWELL	(D)	Winston-Salem	Forsyth
J. MCRAE DALTON	(D)	Winston-Salem	Forsyth
F. L. GOBBLE	(D)	Winston-Salem	Forsyth
H. C. KEARNEY	(D)	Franklinton	Franklin
JAMES BOYCE GARLAND	(D)	Gastonia	Gaston
CARL W. HOWARD	(D)	Bessemer City	Gaston
CLARENCE P. HATHAWAY	(D)	Sunbury	Gates
DENNIS MASSEY	(D)	Robbinsville	Graham
THOMAS W. ALLEN	(D)	Creedmoor	Granville
A. C. EDWARDS	(D)	Hookerton	Greene
SHELLEY B. CAVENESS	(D)	Greensboro	Guilford
WALTER E. CRISSMAN	(D)	High Point	Guilford
O. ARTHUR KIRKMAN	(D)	High Point	Guilford
CLYDE A. SHREVE	(D)	Stokesdale	Guilford
JOSEPH BRANCH	(D)	Enfield	Halifax
HOWARD E. PARKER	(D)	Erwin	Harnett
GROVER C. DAVIS	(D)	Waynesville	Haywood
R. LEE WHITMIRE	(D)	Hendersonville	Henderson
C. GORDON MADDREY	(D)	Ahoskie	Hertford
H. A. GREENE	(D)	Raeford	Hoke
C. L. BELL	(D)	Swan Quarter	Hyde
JOHN F. MATHESON	(D)	Mooresville	Iredell
FRANK H. BROWN, JR.	(D)	Cullowhee	Jackson
RONALD HOCUTT	(D)	Wendell	Johnston
G. TROY PAGE	(D)	Clayton	Johnston
G. N. NOBLE	(D)	Trenton	Jones
ROBERT W. DALRYMPLE	(D)	Sanford	Lee

NAME	POST OFFICE	COUNTY
MARION A. PARROTT (D)	Kinston	Lenoir
M. T. LEATHERMAN (D)	Lincolnton	Lincoln
C. S. SLAGLE (D)	Franklin	Macon
CLYDE M. ROBERTS (R)	Marshall	Madison
A. COREY (D)	Jamesville	Martin
ROY W. DAVIS (D)	Marion	McDowell
MRS. WALTER G. CRAVEN (D)	Charlotte	Mecklenburg
MRS. JOE ERVIN (D)	Charlotte	Mecklenburg
ROBERT LASSITER, JR. (D)	Charlotte	Mecklenburg
HARVEY MORRIS (D)	Charlotte	Mecklenburg
WARREN H. PRITCHARD (R)	Spruce Pine	Mitchell
J. P. WALLACE (D)	Troy	Montgomery
H. CLIFTON BLUE (D)	Aberdeen	Moore
C. SETTLE BUNN (D)	Spring Hope	Nash
THOMAS E. COOPER (D)	Wilmington	New Hanover
J. RAYNOR WOODARD (D)	Conway	Northampton
CARL V. VENTERS (D)	Jacksonville	Onslow
J. W. UMSTEAD, JR. (D)	Chapel Hill	Orange
T. J. COLLIER (D)	Arapahoe	Pamlico
NOAH BURFOOT (D)	Elizabeth City	Pasquotank
J. V. WHITFIELD (D)	Burgaw	Pender
E. LEIGH WINSLOW (D)	Hertford	Perquimans
R. L. HARRIS (D)	Roxboro	Person
FRANK M. KILPATRICK (D)	Ayden	Pitt
SAM O. WORTHINGTON (D)	Greenville	Pitt
F. P. BACON (D)	Tryon	Polk
ROBERT SMITH HAYES (R)	Randleman	Randolph
H. T. BALDWIN, JR. (D)	Rockingham	Richmond
F. WAYLAND FLOYD (D)	Fairmont	Robeson
JOHN B. REGAN (D)	St. Pauls	Robeson
R. G. POWELL (D)	Reidsville	Rockingham
D. C. DUNGAN (D)	Salisbury	Rowan
KERR CRAIGE RAMSAY (D)	Salisbury	Rowan
WOODROW W. JONES (D)	Rutherfordton	Rutherford
ALMON E. RACKLEY (R)	Clinton	Sampson
ROGER C. KISER (D)	Laurinburg	Scotland
RAYMOND BARKER (R)	Albemarle	Stanly
LEONARD H. VAN NOPPEN (D)	Danbury	Stokes
GEO. K. SNOW (D)	Mt. Airy	Surry
J. ROBERT LONG (D)	Bryson City	Swain
RALPH FISHER (R)	Brevard	Transylvania
C. W. TATEM (D)	Columbia	Tyrrell
H. B. SMITH (D)	Monroe	Union
FRED S. ROYSTER (D)	Henderson	Vance
ARCH T. ALLEN (D)	Raleigh	Wake
WILLIAM T. HATCH (D)	Raleigh	Wake
J. C. LITTLE, JR. (D)	Raleigh	Wake
JOHN H. KERR, JR. (D)	Warrenton	Warren
E. O. ARNOLD (D)	Roper	Washington
S. C. EGGERS (R)	Boone	Watauga
W. FRANK TAYLOR (D)	Goldsboro	Wayne
T. E. STORY (R)	Wilkesboro	Wilkes
LARRY I. MOORE, JR. (D)	Wilson	Wilson
F. D. B. HARDING (R)	Yadkinville	Yadkin
J. FRANK HUSKINS (D)	Burnsville	Yancey

ENROLLING AND INDEXING DEPARTMENT

NAME	POSITION	POST OFFICE
N. F. RANSDELL	Enrolling Clerk	Varina
THOMAS A. BANKS	Indexer of Laws	Raleigh

CONSTITUTION
OF THE
State of North Carolina

PREAMBLE

Preamble.

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political, and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

The equality and inalienable rights of persons.

SECTION 1. *The equality and rights of persons.* That we hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power and government.

SEC. 2. *Political power and government.* That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Internal government of the State.

SEC. 3. *Internal government of the State.* That the people of this State have the inherent, sole and exclusive right of regulating the internal government and policies thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of the law, and consistently with the Constitution of the United States.

That there is no right to secede.

SEC. 4. *That there is no right to secede.* That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union

or to sever said Nation, ought to be resisted with the whole power of the State.

Paramount allegiance to the U. S. Government.

SEC. 5. *Of allegiance to the United States Government.* That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt; bonds issued under ordinance of Convention of 1868, 1868-'69, 1869-'70 declared invalid.

SEC. 6. *Public debt; bonds issued under ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception.* The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people, and by them ratified by the vote of a majority of all the qualified voters of the State at a regular election held for that purpose.

Exception.

Exclusive emoluments, etc.

SEC. 7. *Exclusive emoluments, etc.* No person or set of persons are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative, executive and judicial powers distinct.

SEC. 8. *The legislative, executive and judicial powers distinct.* The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of suspending laws.

SEC. 9. *Of the power of suspending laws.* All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Elections free.

SEC. 10. *Elections free.* All elections ought to be free.

In criminal prosecutions.

SEC. 11. *In criminal prosecutions.* In all criminal prosecutions every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Answers to criminal charges.

SEC. 12. *Answers to criminal charges.* No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment.

Right of trial by jury.

SEC. 13. *Right of jury.* No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

Excessive bail.

SEC. 14. *Excessive bail.* Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

General warrants.

SEC. 15. *General warrants.* General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Imprisonment for debt.

SEC. 16. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

No person taken, etc., but by law of the land.

SEC. 17. *No person taken, etc., but by law of the land.* No person ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property but by the law of the land.

Persons restrained of liberty.

SEC. 18. *Persons restrained of liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Controversies at law respecting property.

SEC. 19. *Controversies at law respecting property.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

Freedom of the press.

SEC. 20. *Freedom of the press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Habeas corpus.

SEC. 21. *Habeas corpus.* The privileges of the writ of habeas corpus shall not be suspended.

Property qualification.

SEC. 22. *Property qualification.* As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

Representation and taxation.

SEC. 23. *Representation and taxation.* The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly, freely given.

Militia and the right to bear arms.

SEC. 24. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Right of the people to assemble together.

SEC. 25. *Right of the people to assemble together.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Religious liberty.

SEC. 26. *Religious liberty.* All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

SEC. 27. *Education.* The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections should be frequent.

SEC. 28. *Elections should be frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Recurrence to fundamental principles.

SEC. 29. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Hereditary emoluments, etc.

SEC. 30. *Hereditary emoluments, etc.* No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

Perpetuities, etc.

SEC. 31. *Perpetuities, etc.* Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Ex post facto laws.

SEC. 32. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto law* ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. *Slavery prohibited.* Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State. Slavery prohibited.

SEC. 34. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are. State boundaries.

SEC. 35. *Courts shall be open.* All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Courts shall be open.

SEC. 36. *Soldiers in time of peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law. Soldiers in time of peace.

SEC. 37. *Other rights of the people.* This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people. Other rights of the people.

ARTICLE II

LEGISLATIVE DEPARMENT

SECTION 1. *Two branches.* The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives. Two branches.

SEC. 2. *Time of assembling.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present. Time of assembling.

SEC. 3. *Number of senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot. Number of senators.

SEC. 4. *Regulations in relation to districting the State for Senators.* The Senate District shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators. Regulations in relation to districting the State for senators.

SEC. 5. *Regulations in relation to apportionment of representatives.* The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot to be elected by the counties respectively, according to their Regulations in relation to apportionment of representatives.

population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off.

Ratio of representation.

SEC. 6. *Ratio of representation.* In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing two but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Qualifications for senators.

SEC. 7. *Qualifications for senators.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

Qualifications for representatives.

SEC. 8. *Qualifications for representatives.* Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Election of officers.

SEC. 9. *Election of officers.* In the election of all officers whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce.*

Powers in relation to divorce and alimony.

SEC. 10. *Powers in relation to divorce and alimony.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws in relation to names of persons, etc.

SEC. 11. *Private laws in relation to names of persons, etc.* The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days notice shall be given anterior to passage of private laws.

SEC. 12. *Thirty days notice shall be given anterior to passage of private laws.* The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given,

under such direction and in such manner as shall be provided by law.

Vacancies.

SEC. 13. *Vacancies.* If vacancies shall occur in the General Assembly by death, resignation, or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

SEC. 14. *Revenue.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

Entails.

SEC. 15. *Entails.* The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

Journals.

SEC. 16. *Journals.* Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Protest.

SEC. 17. *Protest.* Any member of either House may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

Officers of the House.

SEC. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers.

President of the Senate.

SEC. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

Other senatorial officers.

SEC. 20. *Other senatorial officers.* The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of the Governor.

Style of the acts.

SEC. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact."

Powers of the General Assembly.

SEC. 22. *Powers of the General Assembly.* Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place.

Bills and resolutions to be read three times, etc.

SEC. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.

Oath of members.

SEC. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Terms of office.

SEC. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Yeas and nays.

SEC. 26. *Yeas and nays.* Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Election for members of the General Assembly.

SEC. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. (Changed to Tuesday after first Monday in November. c. 275—1876.)

Pay of members and officials of the General Assembly.

SEC. 28. *Pay of members and officers of the General Assembly.* The members of the General Assembly for the term of their office shall receive a salary for their services of six hundred dollars each. The salaries of the presiding officers of the two houses shall be seven hundred dollars each: *Provided,* that in addition to the salaries herein provided for, should an extra session of the General Assembly be called, the members shall receive eight dollars per day each, and the presiding officers of the two houses ten dollars per day each, for every day of such extra session not exceeding twenty days; and should an extra session continue more than twenty days, the members and officers shall serve thereafter without pay.

Limitations upon power of General Assembly to enact private or special legislation.

SEC. 29. *Limitations upon power of General Assembly to enact private or special legislation.* The General Assembly shall not pass any local, private or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade,

mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private, or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

Inviolability of sinking funds.

SEC. 30. The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

ARTICLE III

EXECUTIVE DEPARTMENT

Officers of the Executive Department.

SECTION 1. *Officers of the Executive Department; Terms of Office.* The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Terms of office.

Qualifications of Governor and Lieutenant-Governor.

SEC. 2. *Qualifications of Governor and Lieutenant-Governor.* No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Returns of election.

SEC. 3. *Returns of elections.* The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be pre-

scribed by law. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office for Governor.

SEC. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Duties of Governor.

SEC. 5. *Duties of Governor.* The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, commutations and pardons.

SEC. 6. *Reprieves, commutations, and pardons.* The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor.

Annual reports from officers of Executive Departments and of public institutions.

SEC. 7. *Annual reports from officers of Executive Department and of public institutions.* The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-in-chief.

SEC. 8. *Commander-in-Chief.* The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Extra Sessions of General Assembly.

SEC. 9. *Extra sessions of General Assembly.* The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Officers whose appointments are not otherwise provided for.

SEC. 10. *Officers whose appointments are not otherwise provided for.* The Governor shall nominate and, by and with the

advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Duties of the Lieutenant-Governor.

SEC. 11. *Duties of the Lieutenant-Governor.* The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

In case of impeachment of Governor, or vacancy caused by death or resignation.

SEC. 12. *In case of impeachment of Governor, or vacancy caused by death or resignation.* In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties, and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

Duties of other executive officers.

SEC. 13. *Duties of other executive officers.* The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, Commissioner of Agriculture, Commissioner of Labor and Commissioner of Insurance shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Council of State.

SEC. 14. *Council of State.* The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, *ex-officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members

present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney-General shall be, *ex-officio*, the legal adviser of the executive department.

Compensation of executive officers.

SEC. 15. *Compensation of executive officers.* The officers mentioned in this article shall at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State", signed by the Governor, and countersigned by the Secretary of State.

Department of Agriculture, Immigration and Statistics.

SEC. 17. *Department of Agriculture, Immigration and Statistics.* The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Department of Justice.

SEC. 18. *Department of Justice.* The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney-General, and to enact suitable laws defining the authority of the Attorney-General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

ARTICLE IV

JUDICIAL DEPARTMENT

Abolishes the distinction between actions at law and suits in equity.

SECTION 1. *Abolishes the distinctions between actions at law and suits in equity, and feigned issues.* The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury.

Feigned issues abolished.

Division of judicial powers.

SEC. 2. *Division of judicial powers.* The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Trial court of impeachment.

SEC. 3. *Trial court of impeachment.* The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Impeachment.

SEC. 4. *Impeachment.* The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Treason against the State.

SEC. 5. *Treason against the State.* Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Supreme Court.

SEC. 6. *Supreme Court.* The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not more than six, when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by a majority of all the justices; and no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court in banc. All sessions of the Court shall be held in the city of Raleigh. This amendment made to the Constitution of North Carolina shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof. (By c. 16, 1937, amending s. 1403 of the Consolidated Statutes, the number of Associate Justices was increased to six.)

Terms of the Supreme Court.

SEC. 7. *Terms of the Supreme Court.* The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Jurisdiction of Supreme Court.

SEC. 8. *Jurisdiction of Supreme Court.* The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference.

And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Claims against the State.

SEC. 9. *Claims against the State.* The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial districts for Superior Courts.

SEC. 10. *Judicial districts for Superior Courts.* The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts. (Changed by acts of General Assembly to twenty-one districts.)

Residences of judges, rotation in judicial districts, and special terms.

SEC. 11. *Residences of judges, rotation in judicial districts, and special terms.* Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county, or district, when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.

Power to provide for special or emergency judges.

Power and authority of emergency judges.

Jurisdiction of courts inferior to Supreme Court.

SEC. 12. *Jurisdiction of courts inferior to Supreme Court.* The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding

in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

In case of waiver of trial by jury.

SEC. 13. *In case of waiver of trial by jury.* In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Special courts in cities.

SEC. 14. *Special courts in cities.* The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Clerk of Supreme Court.

SEC. 15. *Clerk of the Supreme Court.* The clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Election of Superior Court clerk.

SEC. 16. *Election of Superior Court clerk.* A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Term of office.

SEC. 17. *Term of office.* Clerk of the Superior Courts shall hold their offices for four years.

Fees, salaries and emoluments.

SEC. 18. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

What laws are, and shall be, in force.

SEC. 19. *What laws are, and shall be, in force.* The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered.

Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.

SEC. 20. *Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.* Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Justices of Supreme Court, election of.

SEC. 21. *Elections, terms of office, etc., of Justice of the Supreme and Judges of the Superior Courts.* The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The

Term of office.

Judges of Superior Court, election of.

judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Transaction of business in the Superior Courts.

SEC. 22. *Transaction of business in the Superior Courts.* The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Solicitors for each judicial district.

SEC. 23. *Solicitors and Solicitorial Districts.* The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General Assembly may reduce or increase the number of the solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State.

Sheriffs and coroners.

SEC. 24. *Sheriffs and Coroners.* In each county a sheriff and coroner shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold their offices for a period of four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for a period of two years. When there is no coroner in a county the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

Vacancies.

SEC. 25. *Vacancies.* All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Terms of office of first officers.

SEC. 26. *Terms of office of first officers.* The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them, respectively, next ensuing after the next regular election for members of the General

Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Jurisdiction of justices of the peace.

SEC. 27. *Jurisdiction of justices of the peace.* The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the clerk of the Superior Court for his county.

Vacancies in office of justices.

SEC. 28. *Vacancies in office of justices.* When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in office of Superior Court Clerk.

SEC. 29. *Vacancies in office of Superior Court clerk.* In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Officers of other courts inferior to Supreme Court.

SEC. 30. *Officers of other courts inferior to Supreme Court.* In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Removal of judges of various courts for inability.

SEC. 31. *Removal of judges of the various courts for inability* Any judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days

before the day on which either House of the General Assembly shall act thereon.

Removal of clerks of the various courts for inability.

SEC. 32. *Removal of clerks of the various courts for inability.* Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Court by the judges of said court, the clerks of the Superior courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Amendments not to vacate existing offices.

SEC. 33. *Amendments not to vacate existing offices.* The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V

REVENUE AND TAXATION

Capitation tax.

SECTION 1. *Capitation tax; exemptions.* The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

Exemptions.

Applications of proceeds of State and county capitation tax.

SEC. 2. *Application of proceeds of State and county capitation tax.* The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

State taxation.

SEC. 3. *State taxation.* The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended, or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied. The General Assembly may also tax trades, professions, franchises, and in-

Taxes uniform as to each class of property taxed.

comes: *Provided*, the rate of tax on income shal lnot in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than $2,000; to all other persons not less than $1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed. Exemptions.

SEC. 4. *Limitations upon the increase of public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit, for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit; to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon. Limitations upon the increase of public debts.

SEC. 5. *Property exempt from taxation.* Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not Property exempt from taxation.

exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner.

Taxes levied for counties.

SEC. 6. *Taxes levied for counties.* The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: *Provided,* this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by article nine, section three of the Constitution: *Provided, further,* the State tax shall not exceed five cents on the one hundred dollars value of property.

Acts levying taxes shall state objects, etc.

SEC. 7. *Acts levying taxes shall state objects, etc.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

Who may vote.

SECTION 1. *Who may vote.* Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided. (The 19th amendment to the United States Constitution, ratified Aug. 6, 1920, provided that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." North Carolina accordingly by c. 18, Extra Session 1920, provided for the registration and voting of women.)

Qualifications of voters.

SEC. 2. *Qualifications of voters.* He shall reside in the State of North Carolina for one year, and in the precinct, ward, or other election district in which he offers to vote four months next preceding the election: *Provided,* that removal from one precinct, ward, or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

Voters to be registered.

SEC. 3. *Voters to be registered.* Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

General Assembly to provide registration laws.

Qualifications for registration.

SEC. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided,* he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article.

Registration of persons entitled to vote without educational qualifications.

Permanent record.

Amendment indivisible.

SEC. 5. *Indivisible plan; legislative intent.* That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

Elections by people and General Assembly.

SEC. 6. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce.*

Eligibility to office; official oath.

SEC. 7. *Eligibility to office; official oath.* Every voter in North Carolina except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, _____, do solemnly wear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____. So help me, God."

Disqualification for office.

SEC. 8. *Disqualification for office.* The following classes of persons shall be disqualified for office: *first,* all persons who shall deny the being of Almighty God. *Second,* all persons, who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since

becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

When this chapter operative.

SEC. 9. *When this chapter operative.* That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

ARTICLE VII

(Redrafted and submitted to popular vote, Aug. 2, 1900, to become effective July 1, 1902. P. L. 1889, c. 218 and P. L. 1900, c. 2.)

MUNICIPAL CORPORATIONS

County officers.

SECTION 1. *County officers.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. (Under authority of the Public Laws of 1935, c. 1935, c. 362, s. 13, provision was made for the quadrennial election of registers of deeds, certain counties being exempted.)

Duty of county commissioners.

SEC. 2. *Duty of county commissioners.* It shall be the duty of the commissioners to exercise general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio* clerk of the board of commissioners.

Counties to be divided into districts.

SEC. 3. *Counties to be divided into districts.* It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

Townships have corporate powers.

SEC. 4. *Townships have corporate powers.* Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said district shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Officers of townships.

SEC. 5. *Officers of townships.* In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships in which

cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law. (Amended by c. 141, 1877.)

Trustees shall assess property.

SEC. 6. *Trustees shall assess property.* The township board of trustees shall assess the taxable property of their townships and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio*, treasurer of the township.

No debt or loan except by a majority of voters.

SEC. 7. *No debt or loan except by a majority of voters.* No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose.

Drawing of money.

SEC. 8. *No money drawn except by law.* No money shall be drawn from any county or township treasury except by authority of law.

When officers enter on duty.

SEC. 9. *When officers enter on duty.* The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to appoint justices.

SEC. 10. *Governor to appoint justices.* The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until section four, five, and six of this article shall have been carried into effect.

Charters to remain in force until legally changed.

SEC. 11. *Charters to remain in force until legally changed.* All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Debts in aid of the rebellion not to be paid.

SEC. 12. *Debts in aid of the rebellion not to be paid.* No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid of or support of the rebellion.

Powers of General Assembly over municipal corporations.

SEC. 13. *Powers of General Assembly over municipal corporations.* The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine and thirteen. (Recent amendment repealed old section 9 and renumbered sections 10-14.) (Under the general authority of this section several statutory amendments have been made. See notes supra, ss. 1 and 5.)

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

Restrictions of legislative powers as to corporations.

SECTION 1. *Corporations under general laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

Organization of corporations.

Debts of corporations, how secured.

SEC. 2. *Debts of corporations, how secured.* Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

What corporations shall include.

SEC. 3. *What corporations shall include.* The term "Corporation" as used in this article shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

General laws for organization and government of municipalities.

SEC. 4. *Legislature to provide for organizing cities, towns, etc.* It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

Education shall be encouraged.

SECTION 1. *Education shall be encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

SEC. 2. *General Assembly shall provide for schools; separation of the races.* The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

Separation of races.

Counties to be divided into districts.

SEC. 3. *Counties to be divided into districts.* Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

What property shall be devoted to educational purposes.

SEC. 4. *What property devoted to educational purposes.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts, or devices that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

County school fund.

SEC. 5. *County school fund; proviso.* All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided,* that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Proviso.

Election of trustees and provisions for maintenance of the University.

SEC. 6. *Election of trustees, and provisions for maintenance, of the University.* The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises, and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Benefits of the University.

SEC. 7. *Benefits of the University.* The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Creation of State Board of Education.

Membership.

Confirmation of appointive members.

Appointment and terms of members.

Vacancy appointments.

Quorum at meetings.

Compensation of appointive members.

SEC. 8. *State Board of Education.* The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant-Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

Powers and duties of State Board of Education.

Exercise of powers in conformity with Constitution and Statutes.

SEC. 9. *Powers and Duties of the Board.* The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

Agricultural department.

SEC. 10. *Agricultural department.* As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain, in connection with the University,

a department of agriculture, of mechanics, of mining, and of normal instruction.

SEC. 11. *Children must attend school.* The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means. Children must attend school.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

SECTION 1. *Exemptions of personal property.* The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt. Exemptions of personal property.

SEC. 2. *Homestead.* Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises. Homestead.

SEC. 3. *Homestead exemptions from debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them. Homestead exemption from debt.

SEC. 4. *Laborer's lien.* The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises. Laborer's lien.

SEC. 5. *Benefit of widow.* If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right. Benefit of widow.

SEC. 6. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised, and bequeathed, Property of married women secured to them.

and, with the written assent of her husband, conveyed by her as if she were unmarried.

Husband may insure his life for the benefit of wife and children.

SEC. 7. *Husband may insure his life for the benefit of wife and children.* The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

How deed for homestead may be made.

SEC. 8. *How deed for homestead may be made.* Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgment of his wife.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

Punishments.

SECTION 1. *Punishments; convict labor; proviso.* The following punishments only shall be known to the laws of this State, viz: death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson; *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

Convict labor.

Proviso.

Death punishment.

SEC. 2. *Death punishment.* The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Penitentiary.

SEC. 3. *Penitentiary.* The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.

SEC. 4. *Houses of correction.* The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed. Houses of correction.

SEC. 5. *Houses of refuge.* A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders. Houses of refuge.

SEC. 6. *The sexes to be separated.* It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell. The sexes to be separated.

SEC. 7. *Provision for the poor and orphans.* Beneficient provisions for the poor, the unfortunate, and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their conditions, with suggestions for their improvement. Provision for the poor and orphans.

SEC. 8. *Orphan houses.* There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade. Orphan houses.

SEC. 9. *Inebriates and idiots.* It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates. Inebriates and idiots.

SEC. 10. *Deaf mutes, blind, and insane.* The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State. Deaf-mutes, blind, and insane.

SEC. 11. *Self-supporting.* It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation. Self-supporting.

ARTICLE XII

MILITIA

SECTION 1. *Who are liable to militia duty.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom. Who are liable to militia duty. Proviso.

Organizing, etc.

SEC. 2. *Organizing, etc.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

Governor commander-in-chief.

SEC. 3. *Governor commander-in-chief.* The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

Exemptions.

SEC. 4. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII

AMENDMENTS

Convention, how called.

SECTION 1. *Convention, how called.* No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

How the Constitution may be altered.

SEC. 2. *How the Constitution may be altered.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

Indictments.

SECTION 1. *Indictments.* All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

SEC. 2. *Penalty for fighting duel.* No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

SEC. 3. *Drawing money.* No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published. Drawing money.

SEC. 4. *Mechanic's lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. Mechanic's lien.

SEC. 5. *Governor to make appointments.* In the absence of any contrary provision, all officers of this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen, and duly qualified according to the provisions of this Constitution. Governor to make appointments.

SEC. 6. *Seat of government.* The seat of government in this State shall remain at the city of Raleigh. Seat of government.

SEC. 7. *Holding office.* No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided,* that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes. Holding office. Proviso.

SEC. 8. *Intermarriage of whites and Negroes prohibited.* All marriages between a white person and a Negro, or between a white person and a preson of Negro descent to the third generation, inclusive, are hereby forever prohibited. Intermarriage of whites and negroes prohibited.

INDEX

Abuses in assessments and contracting debts by municipal corporations, general assembly to prevent, A. 8, S. 4.
Actions at law and equity suits, no distinctions. A. 4, S. 1.
pending when constitution took effect. A. 4, S. 20.
Acts of general assembly, style of. A. 2, S. 21.
levying taxes, must state object. A. 5, S. 7.
Agricultural department. A. 3, S. 17.
in connection with university. A. 9, S. 10.
Alimony, general assembly does not secure. A. 2, S. 10.
Allegiance to United States government. A. 1, S. 5.
Alleys, laws authorizing, etc. A. 2, S. 29.
Amendments. A. 13.
do not vacate existing office. A. 4, S. 33.
Answer to criminal charge. A. 1, S. 12.
Apportionment of senators and representatives. A. 2, SS. 4, 5, 6.
Arms, right to bear. A. 1, S. 24.
Article seven, general assembly may modify or repeal certain sections. A. 7, S. 14.
Assemblage, right of. A. 1, S. 25.
Assessment or collection of taxes, extending time for. A. 2, S. 29.
Attorney-general advises executive. A. 3, S. 14.
duties of. A. 3, S. 13.
Auditor, duties of. A. 3, S. 13.
Bail, excessive. A. 1, S. 14.
Ballot, elections to be by. A. 6, S. 6.
Bills of general assembly, read three times. A. 2, S. 23.
Blind provided for. A. 11, S. 10.
Board of charities. A. 11, S. 7.
Boundaries of state. A. 1, S. 34.
Bridges, laws relating to. A. 2, S. 29.
Capital punishment. A. 11, S. 2.
Capitation tax. A. 5, S. 1.
application of proceeds from. A. 5, S. 2.
exemptions. A. 5, S. 1.
Cemeteries, laws relating to. A. 2, S. 29.
Charities, public. A. 11.
deaf-mutes and the blind. A. 11, S. 10.
idiots and inebriates. A. 11, S. 9.
provisions for orphans and the poor. A. 11, S. 7.
self-supporting as far as possible. A. 11, S. 11.
Cities, laws changing names of. A. 2, S. 29.
organized by legislation. A. 8, S. 4.
Citizenship, restoration to. A. 2, S. 11.
Civil and criminal actions, A. 4, S. 1.
Claims against the state. A. 4, S. 9.
Clerks of superior court, election of. A. 4, S. 16.
removal for inability. A. 4, S. 32.
terms of office of. A. 4, S. 17.
Clerk of supreme court. A. 4, S. 15.
removal of. A. 4, S. 32.
term of office of. A. 4, S. 15.
Collection of taxes, extending time for. A. 2, S. 29.
Collector of taxes, law relieving. A. 2, S. 29.
Commissioner of Agriculture. A. 3, S. 1 and 13.
Commissioner of Insurance. A. 3, S. 1 and 13.
Commissioner of Labor. A. 3, S. 1 and 13.

Communications, A. 3, S. 6.
Compulsory education, general assembly may provide. A. 9, S. 15.
Concealed weapons, carrying not justified. A. 1, S. 24.
Constitution, how changed. A. 13, S. 2.
Controversies at law about property. A. 1, S. 19.
Convention, how called. A. 13, S. 1.
Convict labor. A. 11, S. 1.
Coroner and sheriff. A. 4, S. 24.
Corporations, municipal. A. 7.
charters remain in force till legally changed. A. 7, S. 11.
power of general assembly over. A. 7, S. 14; A. 8, S. 4.
Corporations, other than municipal. A. 8.
debts of, how secured. A. 8, S. 2.
special charters prohibited. A. 8, S. 1.
Correction, houses of. A. 11, S. 4.
Council of state. A. 3, S. 14.
Counsel allowed defendant. A. 1, S. 11.
Counties, commissioners divide into districts. A. 7, S. 3.
districts have corporate powers as townships. A. 7, S. 4.
majority of voters necessary to levy taxes, etc. A. 7, S. 7.
money, how drawn from treasury. A. 7, S. 8.
officers enter on duty, when. A. 7, S. 10.
of townships. A. 7, S. 5.
school districts. A. 9, S. 3.
fund. A. 9, S. 5.
Counties, taxes to be ad valorem. A. 7, S. 9.
township trustees assess property. A. 7, S. 6.
County treasurer. A. 7, S. 1.
County commissioners, election and duty of. A. 7, SS. 1, 2.
Courts to be open. A. 1, S. 35.
inferior, laws relating to establishment of. A. 2, S. 29; A. 4, S. 12.
kinds of. A. 4, S. 2.
Criminal and civil action. A. 4, S. 1.
courts for cities and towns. A. 4, S. 14.
prosecutions. A. 1, S. 11.
Criminal charges, answer to. A. 1, S. 12.
Deaf-mutes provided for. A. 11, S. 10.
Death punishment. A. 11, S. 2.
Debt, does not affect homestead. A. 10, S. 3.
county, city or town cannot contract, except by majority of those voting thereon. A. 7, S. 7.
imprisonment for. A. 1, S. 16.
in aid of rebellion, void. A. 7, S. 12.
restrictions upon increase of public, etc. A. 5, S. 4.
what bonds declared invalid. A. 1, S. 6.
Declaration of rights. A. 1.
Deeds, laws giving effect to. A. 2, S. 29.
Department of agriculture. A. 3, S. 17.
Department of justice. A. 3, S. 18.
Disqualifications for office. A. 6, S. 8; A. 14, S. 7.
dueling disqualifies. A. 14, S. 2.
Divorce, general assembly does not grant. A. 2, S. 10.
Education
county school fund. A. 9, S. 5.
encouraged. A. 1, S. 27; A. 9, S. 1.
expenses. A. 9, S. 8.
officers. A. 9, S. 8.
power of. A. 9, S. 9.
property devoted to. A. 9, SS. 4, 5.
quorum. A. 9, S. 8.
state board of. A. 9, S. 8.

Elections of officers by general assembly, *viva voce*. A. 2, S. 9.
Elections, by people by ballot and by general assembly, *viva voce*. A. 6, S. 6.
contested, returns of. A. 3, S. 3.
fee. A. 1, S. 10.
frequent. A. 1, S. 28.
Electors, qualifications of. A. 6, SS. 1, 2, 3.
registration of. A. 6, SS. 3, 4.
Eligibility to office. A. 6.
Emergency judges. A. 4, S. 11.
Emoluments, exclusive, none. A. 1, S. 7.
hereditary. A. 1, S. 30.
Entails to be regulated. A. 2, S. 15.
Enumeration of rights not to impair others retained by people. A. 1, S. 37.
Equity suits and actions at law, distinction abolished. A. 4, S. 1.
pending when constitution took effect. A. 4, S. 20.
Evidence against himself, criminal not compelled to give. A. 1, S. 11.
Executive, attorney-general advises. A. 3, S. 14.
department of. A. 3.
distinct. A. 1, S. 8.
officers. A. 3, S. 1.
compensation. A. 3, S. 15.
duties. A. 3, S. 13.
reports of. A. 3, S. 7.
terms of office of. A. 3, S. 1.
seal of state. A. 3, S. 16.
vacancy in, how filled. A. 3, S. 13.
Exemption, personal property. A. 10, S. 1.
by reason of military duty, etc. A. 12, S. 4.
property of *feme covert* not liable for husband's debts. A. 10, S. 6.
Ex post facto laws. A. 1, S. 32.
Extra session of general assembly. A. 3, S. 9.
Feigned issues abolished. A. 4, S. 1.
Ferries, laws relating to. A. 2, S. 29.
Fines, excessive. A. 1, S. 14.
laws remitting fines, etc. A. 2, S. 29.
Forfeitures, laws remitting. A. 2, S. 29.
Freedom of the press. A. 1, S. 20.
Fundamental principles, frequent recurrence to. A. 1, S. 29.
General assembly, acts, style of. A. 2, S. 21.
article seven may be modified or repealed by. A. 7, S. 14.
bills and resolutions read three times. A. 2, S. 23.
compulsory education may be enforced by. A. 9, S. 15.
elections by, to be *viva voce*. A. 6, S. 6.
entails regulated by. A. 2, S. 15.
extra sessions. A. 2, S. 28; A. 3, S. 9.
journals kept. A. 2, S. 16.
protests entered on. A. 2, S. 17.
General assembly, meetings of, when. A. 2, S. 2.
members, election for, when. A. 2, S. 27.
oath of. A. 2, S. 24.
office a disqualification. A. 14, S. 7.
terms commence with elections. A. 2, S. 25.
vacancies, how filled. A. 2, S. 13.
municipal corporations controlled by. A. 7, S. 14.
names, personal, not changed by. A. 2, S. 11.
non-navigable streams, laws relating to. A. 2, S. 29.
officers of, election, *viva voce*. A. 2, S. 9.
pay of. A. 2, S. 28.
president of senate. A. 2, S. 19.
speaker of house. A. 2, S. 18.
powers of. A. 2, S. 22.

in relation to divorce and alimony. A. 2, S. 10.
in relation to private or special legislation. A. 2, S. 29.
representation apportioned by. A. 2, SS. 4, 5.
revenue. A. 2, S. 14.
schools provided by. A. 9, S. 2.
university to be maintained by. A. 9, SS. 6, 7.
yeas and nays. A. 2, SS. 14, 26.
Government, allegiance to United States. A. 1, S. 5.
internal of state. A. 1, S. 3.
origin of. A. 1, S. 2.
seat of, remains at Raleigh. A. 14, S. 6.
Governor, commands militia. A. 3, S. 8.
commutations, pardons, reprieves. A. 3, S. 6.
compensation. A. 3, S. 15.
duties performed by lieutenant-governor, when. A. 3, S. 12.
extra sessions called by. A. 3, S. 9.
impeachment of. A. 3, S. 12.
justices of peace, appointed by, when. A. 7, S. 11.
lieutenant, qualifications of. A. 3, S. 2.
oath of office. A. 3, S. 4.
officers appointed by. A. 3, S. 10; A. 14, S. 5.
qualification of. A. 3, S. 2.
resident of. A. 3, S. 5.
vacancy in office of. A. 3, S. 12.
Health, laws relating to. A. 2, S. 29.
Habeas corpus. A. 1, S. 21.
Hereditary emoluments. A. 1, S. 30.
Highways, laws authorizing, etc. A. 2, S. 29.
Homestead and exemption. A. 10, S. 2.
benefit of widow in. A. 10, S. 5.
exempted from debt. A. 10, S. 3.
exempted from taxes. A. 5, S. 5.
laborer's lien attaches. A. 10, S. 4.
privy examination of wife to dispose of. A. 10, S. 8.
Houses of correction. A. 11, S. 4.
Houses of refuge. A. 11, S. 5.
House of Representatives, representatives, apportionment. A. 2, S. 5.
officers of. A. 2, S. 18.
qualification for. A. 2, S. 8.
ratio of. A. 2, S. 6.
terms, begins when. A. 2, S. 25.
Husband can insure life for benefit of family. A. 10, S. 7.
Idiots provided for. A. 11, S. 9.
Immigration, department of. A. 3, S. 17.
Impeachment. A. 4, S. 4.
court of. A. 4, S. 3.
of governor. A. 3, S. 12.
Imprisonment for debt. A. 1, S. 16.
except by law, wrong. A. 1, S. 17.
income tax. A. 5, S. 3.
Indictments for crime committed before constitution took effect. A. 14, S. 1.
Inebriates. A. 11, S. 9.
Inferior courts. A. 4, S. 12.
officers of. A. 4, S. 30.
Insane, provided for. A. 11, S. 10.
Institutions, charitable. A. 11.
penal. A. 11.
public, annual reports from. A. 3, S. 7.
self-supporting as far as possible. A. 11, S. 11.
sexes to be separated. A. 11, S. 6.
Instruction, superintendent of public. A. 3, S. 13.

Intermarriage of whites and negroes prohibited. A. 14, S. 8.
Internal government of state. A. 1, S. 3.
Issues of fact, by whom tried and how waived. A. 4, S. 13.
Judges, election, terms of, etc. A. 4, S. 21.
fees, salaries, emoluments. A. 4, S. 18.
removal of, for inability. A. 4, S. 31.
residence of. A. 4, S. 11.
special or emergency. A. 4, S. 11.
Judicial department. A. 4.
districts for superior courts. A. 4, S. 10.
general assembly not to deprive of jurisdiction. A. 4, S. 12.
powers, division of. A. 4, S. 2.
supreme court. A. 4, S. 6.
terms of first officers under constitution. A. 4, S. 26.
vacancies. A. 4, S. 25.
Judicial remedy, allowed all. A. 1, S. 35.
Judiciary distinct. A. 1, S. 8.
Jurisdiction, courts inferior to supreme. A. 4, S. 12.
justices of the peace. A. 4, S. 27.
supreme court. A. 4, S. 8.
Jurors, laws relating to pay of. A. 2, S. 29.
Jury, right of. A. 1, S. 13.
sacred and inviolable. A. 1, S. 19.
trial by, waived. A. 4, S. 13.
Justice, department of. A. 3, S. 18.
Justices of the peace, governor appoints, when. A. 7, S. 10.
jurisdiction of. A. 4, S. 27.
laws relating to appointment of. A. 2, S. 29.
vacancies in office. A. 4, S. 28.
Labor, etc., laws regulating. A. 2, S. 29.
Laborers' and mechanics' lien. A. 14, S. 4.
attaches to homestead. A. 10, S. 4.
Law of land, no person imprisoned, or deprived of life, etc., but by. A. 1, S. 17.
Laws, *ex post facto* and retrospective. A. 1, S. 32.
private, thirty days' notice before passage. A. 2, S. 12.
what in force. A. 4, S. 19.
Legislative department, distinct. A. 1, S. 8.
Legislature, two branches of. A. 2, S. 1.
provide for organizing towns, etc. A. 8, S. 4.
trials other than jury. A. 1, S. 13.
Legitimation, general assembly can pass general laws for. A. 2, S. 11.
Liberty, deprivation of, except by law. A. 1, S. 17.
religious. A. 1, S. 26.
restrained of, remedied. A. 1, S. 18.
warrants without evidence, dangerous to. A. 1, S. 15.
Lien of laborers and mechanics. A. 14, S. 4.
Lieutenant-governor, president of senate, duties of. A. 3, S. 14.
when governor. A. 3, S. 12.
Literary fund, board of education to succeed to rights of. A. 9, S. 9.
Local legislation prohibited. A. 2, S. 29.
Manufacturing, laws regulating. A. 2, S. 29.
Marriages between whites and negroes forbidden. A. 14, S. 8.
Married women, husband can insure life for benefit of. A. 10, S. 7.
privy examination of, to dispose of homestead. A. 10, S. 8.
property of, not liable for husband's debts. A. 10, S. 6.
Mechanics' lien. A. 14, S. 4.
Men, equality, rights of. A. 1, S. 1.
Militia. A. 1, S. 24; A. 12.
exemptions from duty. A. 12, S. 4.
governor commands. A. 3, S. 8; A. 12, S. 3.
organization of. A. 12, S. 2.
who liable to bear arms. A. 12, S. 1.

Mining, laws regulating. A. 2, S. 29.
Money, how drawn from state treasury. A. 14, S. 3.
county or township treasury. A. 7, S. 8.
paid into treasury, refunding. A .2, S. 29.
Monopolies are injurious. A. 1, S. 31.
Mortgages given for price of home, etc. A. 5, S. 3.
Municipal corporations. A. 7.
cannot contract debt except by majority of those voting thereon. A. 7, S. 7.
charters remain in force till changed. A. 7, S. 12.
general assembly to provide for organization of ; taxation, etc., by. A. 8, S. 4.
powers of general assembly over. A. 7, S. 14 ; A. 8, S. 4.
special charter prohibited. A. 8, S. 4.
Names of cities, towns and townships, laws changing. A. 2, S. 29.
Names, personal, how changed. A. 2, S. 11.
Normal school to be maintained by general assembly at university. A. 9, S. 14.
Notes given for price of home, not taxable. A. 5, S. 3.
Nuisances, laws relating to abatement of. A. 2, S. 29.
Oath of governor. A. 3, S. 4.
Oath of member of general assembly. A. 2, S. 24.
Oath of office. A. 6, S. 7.
Office, cannot hold two. A. 14, S. 7.
disqualification. A. 6, S. 8.
dueling disqualifies for. A. 14, S. 2.
eligibility to. A. 6.
qualifications, property, none. A. 1, S. 22.
Officers, county. A. 7, SS. 1, 9.
first elected. A. 4, S. 26.
what, appointed by governor. A. 3, S. 10 ; A. 14, S. 5.
Orphans, houses for. A. 11, S. 8.
provision for. A. 11, S. 7.
Pardons, A. 3, S. 6.
Peace, soldiers quartered in time of. A. 1, S. 36.
Penalties, laws remitting. A. 2, S. 29.
Penitentiary. A. 11, S. 3.
convict labor. A. 11, S. 1.
self-supporting as far as possible. A. 11, S. 11.
sexes separated. A. 11, S. 6.
People, right of, to assemble together. A. 1, S. 25.
Perpetuities, injurious. A. 1, S. 31.
general assembly shall prevent. A. 2, S. 15.
Political power and government. A. 1, S. 2.
societies in secret dangerous. A. 1, S. 25.
Poll tax. A. 5, S. 1.
Poor, provision for. A. 11, S. 7.
Power of general assembly. A. 2, S. 22.
to suspend laws, injurious. A. 1, S. 9.
Powers, executive, judicial and legislative, distinct. A. 1, S. 8.
judicial, division of. A. 4, S. 2.
Press, freedom and abuse of. A. 1, S. 20.
Principles, recurrence to fundamental. A. 1, S. 29.
Prisoners, health and comfort secured. A. 11, S. 6.
Private laws. A. 2, SS. 11, 12.
local or special legislation. A. 2, S. 29.
Privileges, exclusive, none. A. 1, S. 7.
Property, controversies at law about. A. 1, S. 19.
deprivation of, except by law, wrong. A. 1, S. 17.
devoted to education. A. 9, S. 4.
exemptions from taxation. A. 5, S. 5.
qualifications, none. A. 1, S. 22.
Prosecution, criminal. A. 1, S. 11.

Protest, against act or resolves, by whom and when made. A. 2, S. 17.
Public debt, increase of, limitations, etc. A. 5, S. 4.
what bonds declared invalid. A. 1, S. 6.
Public moneys, how drawn. A. 14, S. 3.
Public schools, general assembly to provide for. A. 9, S. 2.
Punishment penal institutions and public charities. A. 11.
cruel or unusual. A. 1, S. 14; A. 14, S. 1.
Qualifications and election of members of general assembly, each house judge of. A. 2, S. 22.
Rebellion, debt in aid of, not to be paid. A. 7, S. 13.
Recurrence to fundamental principles. A. 1, S. 29.
Refuge, houses of. A. 11, S. 5.
Register of deeds. A. 7, S. 1.
Registration of electors. A. 6, SS. 3, 4.
Religious liberty. A. 1, S. 26.
scruples against bearing arms. A. 12, S. 1.
Removal of judges. A. 4, S. 31.
of clerks. A. 4, S. 32.
Representation and taxation. A. 1, S. 23.
Reprieves. A. 3, S. 6.
Retrospective laws. A. 1, S. 32.
Revenue. A. 2, S. 14; A. 5.
Right of assemblage. A. 1, S. 25.
of jury. A. 1, S. 13.
of secession, none. A. 1, S. 4.
to bear arms. A. 1, S. 24.
to suspend laws, injurious. A. 1, S. 9.
Rights, declaration of. A. 1.
of men. A. 1, SS. 1, 37.
Salaries and fees of officers of judicial department, general assembly regulates. A. 4, S. 18.
Sanitation, laws relating to. A. 2, S. 29.
School districts, laws establishing or changing lines. A. 2, S. 29.
Schools, attendance of children. A. 9, S. 11.
county, divided into districts. A. 9, S. 3.
fund. A. 9, S. 5.
provided by legislature A. 9, S. 2.
races separate. A. 9, S. 2.
term, six months required. A. 9, S. 3.
Seal of State. A. 3, S. 16.
Search warrants without evidence wrong. A. 1, S. 15.
Seat of government at Raleigh. A. 14, S. 6.
Secession, no right of. A. 1, S. 4.
Secretary of state, duties of. A. 3, S. 13.
Senate presiding officer. A. 2, S. 19.
pro tem, speaker, when elected. A. 2, S. 20.
Senators, number of. A. 2, S. 3.
president of . A. 2, S. 19.
qualifications for. A. 2, S. 7.
regulating senatorial districts. A. 2, S. 4.
senatorial officers. A. 2, S. 20.
Separation of governmental powers. A. 1, S. 8.
Sexes separated in confinement. A. 11, S. 6.
Sheriff and coroner. A. 4, S. 24.
Slavery prohibited. A. 1, S. 33.
Societies, secret political, dangerous. A. 1, S. 25.
Soldiers, how quartered. A. 1, S. 36.
Solicitor, how elected. A. 4, S. 23.
Special courts. A. 4, S. 14.
Special legislation, powers of general assembly as to. A. 2, S. 29.

State boundaries. A. 1, S. 34.
claims against. A. 4, S. 9.
internal government. A. 1, S. 3.
Statistics, department of. A. 3, S. 17.
Streets, laws authorizing, etc. A. 2, S. 29.
Suffrage and eligibility to office. A. 6.
Superintendent of public instruction. A. 3, S. 13.
reports of county school fund to be made. A. 9, S. 5.
Superior court, open at all times except for jury trials. A. 4, S. 22.
clerk, his election. A. 4, S. 16.
removal from office. A. 4, S. 32.
term. A. 4, S. 17.
vacancy. A. 4, SS. 2, 9.
districts. A. 4, S. 10.
judges, election and terms. A. 4, S. 21.
residence. A. 4, S. 11.
rotation. A. 4, S. 11.
solicitor for each district. A. 4, S. 23.
special term. A. 4, S. 11.
terms, annually in counties. A. 4, S. 10.
transaction of business, to be open for. A. 4, S. 22.
Supreme court clerk. A. 4, S. 15.
clerk, removal from office. A. 4, S. 32.
jurisdiction. A. 4, SS. 8, 9.
justices. A. 4, S. 6.
election and terms of. A. 4, S. 21.
terms of. A. 4, S. 7.
Surveyor, county, A. 7, S. 1.
Suspending laws without consent of representatives, forbidden. A. 1, S. 9.
Taxation, uniform as to each class. A. 5, S. 3.
and revenue. A. 1, S. 23; A. 5.
except for necessary expenses, not levied by county, city or town without assent of majority of voters. A. 7, S. 7.
income. A. 5, S. 3.
levied by county commissioners. A. 5, S. 6.
of purchases and sales retrospectively not to be passed. A. 1, S. 32.
property, exemptions from. A. 5, S. 5.
Taxes, acts to levy, to state object. A. 5, S. 7.
Towns, etc., organized by legislature. A. 8, S. 4.
Towns, laws changing names of. A. 2, S. 29.
Townships, officers of. A. 7, S. 5.
laws changing names of. A. 2, S. 29.
laws erecting, changing lines. A. 2, S. 29.
Trade, laws regulating. A. 2, S. 29.
Trials on against state. A. 4, S. 5.
Treasurer, duties of. A. 3, S. 13.
University, agricultural department of, mechanics, mining and normal instruction connected with. A. 9, S. 14.
benefits of. A. 9, S. 7.
election of trustees. A. 9, S. 6.
general assembly shall maintain. A. 9, S. 7.
maintenance of. A. 9, S. 6.
property devoted to. A. 9, S. 7.
Vacancies in general assembly. A. 2, S. 13.
other. A. 3, SS. 12,13; A. 4, SS. 25, 28, 29.
Vagrants, houses of correction for. A. 11, S. 4.
Warrants without evidence injurious. A. 1, S. 15.
Whites and negroes cannot intermarry. A. 14, S. 8.
separated in schools. A. 9, S. 2.
Widow, homestead benefits. A. 10, S. 5.
Wills, laws giving effect to. A. 2, S. 29.
Yeas and nays, when entered. A. 2, SS. 14, 26.

SESSION LAWS
OF THE
STATE OF NORTH CAROLINA

SESSION 1949

S. B. 7 **CHAPTER 1**

AN ACT TO VALIDATE ACTS OF NOTARIES PUBLIC IN CERTAIN INSTANCES.

The General Assembly of North Carolina do enact:

Acts of notaries public validated in certain instances.

SECTION 1. (a) The acts of any person heretofore performed after appointment as a notary public and prior to qualification as a notary public

(1) In taking any acknowledgment, or

(2) In notarizing any instrument, or

(3) In performing any act purportedly in the capacity of a notary public

are hereby declared to be valid and of the same legal effect as if such person had qualified as a notary public prior to performing any such acts.

Instruments with respect to such acts validated.

(b) All instruments with respect to which any such person as is described in Subsection (a) of this Section has purported to act in the capacity of a notary public shall have the same legal effect as if such person acting as a notary public had in fact qualified as a notary public prior to performing any acts with respect to such instruments.

Pending litigation unaffected.

SEC. 2. The provisions of this Act shall not be effective as to any pending litigations.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

S. B. 44 **CHAPTER 2**

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE CITY OF ROANOKE RAPIDS TO CALL AN ELECTION UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT FOR THE CITY OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Election on adoption of city manager form of government, Roanoke Rapids.

SECTION 1. That after the ratification of this Act, the Board of Commissioners of the City of Roanoke Rapids may call an election at which there shall be submitted for determination by the qualified voters of the City of Roanoke Rapids voting in such election the question of the adoption of a form of government for the City of Roanoke Rapids known as "Plan D" as defined by Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as amended by this Act, which plan provides for a mayor, a city council and a city manager. At such election the question submitted to the qualified voters shall be the adoption of said "Plan D" form of government, as amended by this Act, for the City of Roanoke Rapids, in lieu of its present form of government.

Issue submitted.

Conduct of election.

SEC. 2. That the said election shall be called and conducted and the result thereof determined and declared by the Board of Commissioners of the City of Roanoke Rapids as is now provided by law for the election of the Mayor and Members of the Board of Commissioners of the City of Roanoke Rapids, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Mayor and Board of Commissioners of the City of Roanoke Rapids. At such election ballots shall be provided for the voters containing the words "For Plan D, City Government, with Mayor, Board of Commissioners and City Manager", and "Against Plan D City Government, with Mayor, Board of Commissioners and City Manager". If a majority of the votes cast in said election shall be in favor of said "Plan D" form of government, the same shall become effective and be operative in the City of Roanoke Rapids from and after the next succeeding first day of July and the municipal year shall begin on that date.

Form of ballots.

Effective date of new form upon majority favorable vote.

Control and management of city affairs.

SEC. 3. If said "Plan D" is adopted at such election, the government of the City of Roanoke Rapids and the general management and control of all its affairs shall be vested in a board of commissioners and mayor, elected as provided by the Charter of the City of Roanoke Rapids, and any amendments thereto. Thereafter the mayor and board of commissioners shall have and exercise all the powers and duties now or hereafter conferred upon them by the Charter of the City of Roanoke Rapids, any amendments thereto, the general ordinances of the City of Roanoke Rapids and the provisions of the general law with

Powers and duties of mayor and board of commissioners.

reference to the powers and privileges of municipalities not inconsistent herewith. The Board of Commissioners of the City of Roanoke Rapids shall constitute its governing body and in the conduct of said "Plan D" government for the City of Roanoke Rapids, the board of commissioners shall have and exercise all such powers and duties, not inconsistent herewith, as are now conferred upon the board of commissioners by the Charter of the City of Roanoke Rapids, and its general ordinances and any amendments thereto.

Appointment of city manager.

SEC. 4. That in the event said "Plan D" form of government as amended by this Act, shall be adopted at said election, the board of commissioners shall appoint a city manager, who shall be the administrative head of the city government and who shall be responsible for the administration of all departments of the city government. He shall be appointed with regard to merit only and he need not be a resident of the City of Roanoke Rapids when appointed. He shall hold office during the pleasure of the board of commissioners and shall receive such compensation as it shall fix by ordinance.

Term and compensation.

Powers and duties of city manager.

SEC. 5. The city manager shall:

(1) Be the administrative head of the city government;

(2) See that within the city the laws of the State and the ordinances, resolutions, and regulations of the board of commissioners are faithfully executed;

(3) Attend, at the request of the board of commissioners, all meetings of the board of commissioners and recommend for adoption such measures as he may deem expedient;

(4) Make reports to the board of commissioners from time to time upon the affairs of the city and keep the board of commissioners fully advised of the city's financial condition and its future financial needs;

(5) Appoint and remove all employees of the city, not including, however, the city attorney, the city clerk, if any, the city auditor, members of committees and commissions, now appointed by the board of commissioners in conformity with the charter and present ordinances of the city.

Appointment of certain city officials by board of commissioners.

The city attorney, if any, the city clerk, the city auditor and the members of committees and commissions shall continue to be appointed by the board of commissioners. Every appointment and removal made by the city manager shall be reported to the board of commissioners at the next meeting thereof following any such appointment or removal.

Supervision of city employees.

The salaries and compensation of the officers and employees of the city shall be fixed by the board of commissioners and they shall perform such duties as may be required of them by the

city manager, under general regulations of the board of commissioners and the general law.

Legislative powers of city and board unabridged.

SEC. 6. That in the event said "Plan D" form of government is adopted at such election, as amended by this Act, none of the legislative powers of the City of Roanoke Rapids or of its board of commissioners shall be abridged or impaired by this Act or by the adoption of said "Plan D" government for the City of Roanoke Rapids, and all such legislative powers shall continue to be possessed and exercised by the Board of Commissioners of the City of Roanoke Rapids. In addition, all ordinances, resolutions, orders, or other lawful regulations of the City of Roanoke Rapids or of any authorized commission, committee, body or official thereof, existing at the time said "Plan D" is adopted and becomes effective shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Existing ordinances, resolutions, etc., continued in force.

Governing body of city.

SEC. 7. In the event said "Plan D" is adopted at such election, as amended by this Act, the board of commissioners shall continue to be the governing body of the City of Roanoke Rapids and the mayor and members of the board of commissioners shall be elected as now provided by the Charter of the City of Roanoke Rapids and any amendment thereto, and the meetings of the board of commissioners and the business of the board of commissioners shall be held and transacted in accordance with the charter and general ordinances of the City of Roanoke Rapids now in force or hereafter amended. Vacancies among any of the officials of the City of Roanoke Rapids, the salaries paid to any such officials, the designation and election of such officials shall all be filled, regulated and controlled in conformity with the charter and ordinances of the City of Roanoke Rapids now in force or hereafter amended, except as modified or changed by the terms of this Act.

Election of mayor and board of commissioners.

Regulation and control of election and salaries of city officials.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

S. B. 45 **CHAPTER 3**

AN ACT TO AMEND G. S. 160-200 RELATING TO THE USE OF PROCEEDS FROM PARKING METERS IN THE CITY OF ROANOKE RAPIDS, HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Subsection 31 of G. S. 160-200, as it appears in the 1947 Cumulative Supplement to the General Statutes, is hereby amended by adding a paragraph at the end thereof to read as follows: G.S. 160-200 amended.

"In the City of Roanoke Rapids, Halifax County, in addition to the purposes outlined above, proceeds from parking meters may, in the discretion of the board of commissioners of said city, be used for the establishment, maintenance and operation of any and all recreational facilities of said city, including playgrounds, recreation centers, swimming pools, and the acquisition of lands or buildings for such purposes." Use of parking meter proceeds for recreational facilities, Roanoke Rapids.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

H. B. 27 **CHAPTER 4**

AN ACT TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF SHALLOTTE IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The corporate limits of the Town of Shallotte in Brunswick County are hereby extended so that such corporate limits shall be as follows, provided such extension is approved at an election held pursuant to the provisions of this Act: Corporate limits, Town of Shallotte extended, subject to election.

Beginning at a stone located 3100 feet northeastwardly from the present northeast corporate limits as measured along United States Highway No. 17, said stone being on the north side of said highway; running thence South 60° 00' West 2800 feet to the old New Brittain Road near R. D. Woodard's place; thence northwestwardly with the said road to the present corporate limits; thence continuing with said corporate limits to Mulberry Branch; thence down Mulberry Branch to Shallotte River; thence up Shallotte River to Bobby's Pike; thence up the run of Bobby's Pike to United States Highway No. 17; thence East 2,000 feet Boundaries defined.

to a stake; thence North 30° East 6,000 feet to a point on Shallotte River opposite the mouth of Charles' Branch; thence down Shallotte River 1,000 feet; thence North 5,000 feet to the point of beginning.

Call for special election.

SEC. 2. The governing body of the Town of Shallotte may, in its discretion, call a special election at any time to determine the question of the proposed extension of the corporate limits of the Town of Shallotte. The governing body of the Town of Shallotte, in its call for said election, shall:

Contents of call.

Description of territory.

(a) Describe the territory proposed to be annexed to the town;

Submission of question.

(b) Provide that the question of annexation of such territory shall be submitted to the vote of the qualified voters of Shallotte and of the territory proposed to be annexed, voting together;

New registration.

(c) Provide for a new special registration of voters in the territory proposed to be annexed;

Designation of precincts.

(d) Designate the precincts and voting places for such election;

Registrars and judges of election.

(e) Name the registrars and the judges for such election;

General provisions.

(f) Make all other necessary provisions for the holding and conducting of said election and the canvassing of the returns, and the declaration of the result, as provided by the statutes governing municipal elections.

Publication of call for election.

Such call shall be published in one or more newspapers of general circulation in Brunswick County once a week for four weeks prior to said election.

Form of ballot.

SEC. 3. At such election there shall be made available to the qualified voters at each polling place a ballot in the following form:

FOR ☐ Proposed Extension of the

AGAINST ☐ Corporate Limits of Shallotte

Those voters who favor such extension shall vote ballots with a cross (X) marked in the space following the word "For" on such ballots.

Those voters who oppose such extension shall vote ballots with a cross (X) marked in the space following the word "Against" on such ballots.

Corporate limits extended in event of majority vote therefor.

If at such election a majority of the votes cast shall be for extension, then from and after 60 days after the results of such election have been canvassed and declared, the proposed territory and its residents and property shall be subject to all the laws, ordinances and regulations in force in said town, and shall be liable for all taxes imposed therein.

SEC. 4. Chapter 713 of the Session Laws of 1947 and all other laws and clauses of laws in conflict with this Act are hereby repealed. Ch. 713, Session Laws, 1947, and other conflicting laws repealed.

SEC. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

H. B. 39 CHAPTER 5

AN ACT TO VALIDATE AND CONFIRM THE SALE AND CONVEYANCE OF CERTAIN TOWN-OWNED PROPERTY OF THE TOWN OF WENDELL, NORTH CAROLINA.

WHEREAS: The governing body of the Town of Wendell in the County of Wake, State of North Carolina, having twice offered for sale at public auction, after due advertisement and in accordance with the statutes governing the sale of municipally owned property, that certain property heretofore owned by the Town of Wendell, and known as lot number 6 of block number 14 of the lands of the Wendell Lands Company, and Preamble: municipally owned property, Town of Wendell, offered for public sale.

WHEREAS: At the time of said attempted public sale, namely on the 24th day of November, 1945 and the 5th day of January, 1946, no satisfactory bid was tendered, and No satisfactory bid tendered.

WHEREAS: Thereafter, namely on the 9th day of April, 1946, pursuant to a resolution of said governing body, duly proposed, adopted and recorded, the Town of Wendell, a Municipal Corporation in Wake County, did, through its duly constituted Mayor, M. C. Todd, convey said property to J. E. Perry and W. E. Perry of Wake County, North Carolina, for the sum of six thousand, eight hundred dollars ($6,800), purchase price being paid to the Town of Wendell, said property being no longer required for public use and said purchase price being an adequate price for said property and in excess of any bid or tender made at either of said attempted public sales: *Now, therefore,* Conveyance by private sale upon resolution of governing body.

The General Assembly of North Carolina do enact:

SECTION 1. The conveyance by the Town of Wendell, in Wake County, North Carolina, to J. E. Perry and W. E. Perry, of lot number 6 of block number 14 of the lands of Wendell Lands Company as shown in Book of Maps, 1885, Registry of Wake County, North Carolina, is hereby fully validated and confirmed in all respects, it being the intent of this Act that the conveyance of said property, as evidenced by deed made the 9th day of April, 1946 by the Town of Wendell and its Mayor, M. C. Todd, to J. E. Perry and W. E. Perry, and recorded in the office of Conveyance of property by Town of Wendell to J. E. Perry and W. E. Perry validated.

the Register of Deeds for Wake County, North Carolina, in Book of Deeds 940 at Page 368, shall convey in accordance with the terms and restrictions of said deed, all the right, title and interest of the Town of Wendell in and to the property described therein to J. E. Perry and W. E. Perry as fully and completely as if all requirements of law governing the sale of municipally owned property had been met prior to the execution of said deed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

H. B. 40 **CHAPTER 6**

AN ACT RELATING TO THE SALE AND EXCHANGE OF PROPERTY BY THE BOARD OF TRUSTEES OF THE GREENSBORO CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Board of Trustees, Greensboro City Administrative Unit.

SECTION 1. Definition. As used in this Act, the word "board", unless a different meaning is indicated by the context, means the Board of Trustees of the Greensboro City Administrative Unit.

Property that may be sold by Board.

SEC. 2. Property that may be sold. Any real or personal property title to which is vested in the Board of Trustees of the Greensboro City Administrative Unit and which in the opinion of the board is not needed for school purposes may be sold.

Sale of personal property not exceeding $500 in value.

SEC. 3. Sale of personal property not exceeding $500.00 in value. Any such personal property the value of which, in the opinion of the board, does not exceed five hundred dollars ($500.00) may be sold at private sale. No advertisement of any such sale is necessary, the sale is not subject to an upset bid, and the sale, when made pursuant to authority of the board, is final.

Sale of personal property exceeding $500.00 in value.

SEC. 4. Sale of personal property exceeding $500.00 in value. The sale of any such personal property the value of which, in the opinion of the board, exceeds five hundred dollars ($500.00) shall be made as provided by, and shall be subject to all of the provisions of, General Statutes 115-86.

Sale of real property.

SEC. 5. Sale of real property. The sale of any such real property shall be made as provided by, and shall be subject to all of the provisions of, General Statutes 115-86.

SEC. 6. Disposition of proceeds of sale. (a) The proceeds of any sale of personal property made pursuant to the provisions of Section 3 of this Act may be applied to such purpose or purposes incident to the operation of the public schools of the Greensboro City Administrative Unit as the board may direct or authorize. Disposition of proceeds of sale.

(b) The net proceeds of any sale of personal property made pursuant to the provisions of Section 4 of this Act, and the net proceeds of any sale of real property made pursuant to the provisions of Section 5 of this Act, may be applied, subject, however, to the approval of the Board of Commissioners for the County of Guilford, to such one or more of the following purposes as the Board of Trustees of the Greensboro City Administrative Unit may direct or authorize:

(1) The payment of any bonded indebtedness of the Greater Greensboro School District or of the Greensboro City Administrative Unit.

(2) The payment of any bonded indebtedness of the City of Greensboro created for school purposes.

(3) The purchase of any real or personal property for the Greensboro City Administrative Unit.

(4) Any capital improvements for the Greensboro City Administrative Unit.

(5) Any other purpose incident to the operation of the public schools of the Greensboro City Administrative Unit.

SEC. 7. Exchange of personal property. Any personal property title to which is vested in the Board of Trustees of the Greensboro City Administrative Unit may, by direction or authorization of the board, be exchanged for other personal property or traded in upon the purchase price of other personal property. Exchange of personal property.

SEC. 8. Exchange of real property. Any real property title to which is vested in the Board of Trustees of the Greensboro City Administrative Unit and which in the opinion of the board is not needed for school purposes may, subject, however, to the approval of the Board of Commissioners for the County of Guilford, be exchanged for other real property which, in the opinion of the board is needed for school purposes. Exchange of real property.

SEC. 9. Chapter 572 of the 1943 Session Laws is hereby repealed. Ch. 572, Session Laws, 1943, repealed.

SEC. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

H. B. 43 **CHAPTER 7**

AN ACT TO AMEND SECTION 30 OF THE CHARTER OF THE TOWN OF FAISON, AS AMENDED BY CHAPTER 235 OF THE PRIVATE LAWS OF 1923 RELATING TO RAISING REVENUES IN THE TOWN OF FAISON IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 52, Private Laws, 1891, charter of Town of Faison, amended.

SECTION 1. That Section 30 of Chapter 52 of the Private Laws of 1891, the same being the charter of the Town of Faison in the County of Duplin, as amended by Chapter 235 of the Private Laws of 1923, be and the same is hereby further amended so that said section shall read as follows:

Levy of ad valorem tax to defray expenses of government.

"Sec. 30. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the Town of Faison, the governing body of said town shall have the power and it is hereby authorized to levy and collect an annual ad valorem tax on all taxable property in the Town of Faison at such rate on the one hundred dollars ($100) valuation of said property as is or may be from time to time provided by the general law of the State. In addition to the foregoing the governing body shall annually levy and collect a tax ad valorem upon all the taxable property in the town sufficient to pay the principal of and the interest on all bonds of the town as such principal and interest shall become due".

Ad valorem tax for payment of bonds.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

H. B. 46 **CHAPTER 8**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR NINETEEN HUNDRED AND FORTY-FIVE AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Certain delinquent tax collections, Wayne County, paid into general fund.

SECTION 1. The Board of County Commissioners of Wayne County be and is hereby authorized and empowered in its discretion to turn into the general fund of the county the proceeds of all uncollected taxes, which may hereafter be collected, for the year 1945 and all prior years.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

H. B. 57 **CHAPTER 9**

AN ACT TO REQUIRE ADVANCE PAYMENT OF COSTS BY PLAINTIFF IN ACTIONS FOR ABSOLUTE DIVORCE IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The plaintiff in all actions for absolute divorce instituted in Transylvania County shall at the time of instituting such action, pay into the office of the Clerk of Superior Court of Transylvania County all ascertainable costs properly chargeable against such plaintiff, and no summons shall issue in any action for absolute divorce in Transylvania County in any case in which such costs have not been paid. Advance payment of costs in actions for absolute divorce, Transylvania County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

S. B. 6 **CHAPTER 10**

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND OPERATION OF A STADIUM ON THE SENIOR HIGH SCHOOL PREMISES IN THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. Definitions. As used in this Act— Definitions.

(1) "Board of trustees" means the board of trustees of the Greensboro City Administrative Unit.

(2) "Stadium corporation" means the Greensboro High School Stadium Corporation.

SEC. 2. Authority to make lease. The Board of Trustees of the Greensboro City Administrative Unit is hereby authorized to lease to the Greensboro High School Stadium Corporation, upon the terms hereinafter stated, a portion of the Senior High School property in the City of Greensboro for the construction of a stadium. Greensboro City Administrative Unit, authority to lease property for construction of stadium.

Terms of lease.

SEC. 3. Terms of lease. (a) The lease shall contain substantially the following provisions:

Property to be leased.

(1) The property leased shall be such portion of the tract of land on which the Senior High School in the City of Greensboro is located as in the opinion of the board of trustees will be sufficient for the purpose of the lease.

Term of lease.

(2) The term of the lease shall be twenty years from the date thereof, subject to the provisions of paragraph (9) of this Section for earlier termination.

Construction of stadium.

(3) In consideration of such lease the stadium corporation shall agree to build on the leased premises, at its own cost and expense, a concrete stadium with a seating capacity of 10,000 persons or more and to complete the construction thereof not later than September 1, 1950.

Plans and specifications for stadium.

(4) The stadium shall be built according to plans and specifications approved by the board of trustees.

Title to stadium.

(5) Title to the stadium shall, from the beginning of the construction thereof, vest in the board of trustees.

Stadium to be sublet.

(6) The stadium corporation shall sublet the leased premises, effective upon the completion of the stadium, to the board of trustees for the unexpired term of the original lease.

Rent payable under sublease.

(7) The board of trustees, as sublessee, shall agree to pay to the stadium corporation an amount of rent each year which shall be determined by whichever of the following methods shall be designated by the board of trustees:

a. A fixed sum, or

b. A sum to be determined by a formula agreed upon by the board of trustees and the stadium corporation.

Purposes for which rent to be used.

(8) The stadium corporation shall use all of such rent received by it solely for the following purposes:

a. The payment of license fees and taxes, if any;

b. Any and all other necessary expenses of the corporation; and

c. The redemption at par and the retirement of its stock.

Termination of leases upon retirement of stock.

(9) If all of the stock of the stadium corporation is retired prior to the expiration of the term of the lease as fixed by paragraph (1) of this Section, the lease to the stadium corporation, and the sublease to the board of trustees, shall terminate immediately upon the retirement of the last of such stock.

Title vested in board of trustees upon termination of lease.

(10) Upon any termination of the lease and sublease the stadium corporation shall have no further interest in the stadium or the land on which it is situated, and the title

of the board of trustees thereto shall be free from any interest of any kind of the stadium corporation therein.

(b) The lease may contain such other provisions as in the opinion of the board of trustees may be necessary or proper to accomplish the purpose of this Act.

Authority to expend funds donated for stadium purposes.

SEC. 4. Authority to expend funds donated for stadium purposes. The board of trustees is hereby authorized to expend any funds which have heretofore or may hereafter be donated to the board for use in connection with the building of a stadium, in such way or ways as in the opinion of the board will best accomplish the purpose for which such donations were made.

Effective date.

SEC. 5. Effective date. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1949.

H. B. 9 CHAPTER 11

AN ACT TO AUTHORIZE THE ISSUANCE OF SCHOOL BUILDING BONDS IN BEHALF OF SOUTHERN PINES SCHOOL DISTRICT IN MOORE COUNTY AND THE LEVY OF TAXES WITHIN SUCH DISTRICT FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Southern Pines School District, special election on issuance of school building bonds.

SECTION 1. Upon the receipt of a petition signed by not less than ten per cent (10%) of the qualified voters of Southern Pines School District in Moore County, the Board of County Commissioners of Moore County shall order a special election to be held in said Southern Pines School District in Moore County for the purpose of voting upon the question of issuing and selling bonds and/or notes of said school district and levying a sufficient tax upon all taxable property situate in said school district for the payment thereof, for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings in said school district and purchasing sites in such school district or unit or for any one or more of said purposes. In all such elections so called by the said Board of Commissioners of Moore County, the Board of County Commissioners of Moore County shall designate the polling place or places in said school district for said elections, appoint the registrars and judges and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election and shall record such determination on their records, which shall be conclusive of all the facts therein found and determined. The

Conduct of election.

Notice of election.

notice of the election shall be given by publication at least three times in some newspaper published or circulated in said County of Moore or said school district. The notice shall state the date of the election, the place or places at which the election will be held, the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district or unit for the payment of the principal and interest of the bonds and/or notes. The first publication of notice shall be at least thirty days before the election. A new registration of the qualified voters of such school district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulated in such school district or unit at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be in substantially the words: "For the issuance of $ ..... school bonds and/or notes and the levying of a sufficient tax for the payment thereof" and "Against the issuance of $ ..... school bonds and/or notes and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed on one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark.

Contents of notice.

New registration.

Notice of registration.

Contents of notice of registration.

Challenge day.

Form of ballot.

SEC. 2. At the close of the polls, the election officers shall count the votes and make returns thereof to the board of county commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of county commissioners as aforesaid and the other filed with the clerk of the Superior Court of the county in which the school district or unit is situated. The board of county commissioners shall prepare a statement showing the number of votes cast for and against the boards and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file

Returns.

Statement of results of election.

the original in his office and publish it once in a newspaper published or circulating in such district or unit. Publication.

SEC. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such district or such unit, or the right or duty to levy a sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding section. Time limitation on actions to contest validity.

SEC. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the board of county commissioners may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but they shall be made payable exclusively out of taxes to be levied in such district or such unit, except the board of county commissioners may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said board of county commissioners may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the chairman of the board of county commissioners, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the register of deeds of the county or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Issuance of bonds authorized in event of majority vote therefor.

Payment of bonds.

Form, denomination and provisions of bonds.

Serial bonds.

Interest rate.

Registration.

Execution of bonds.

Delivery of bonds.

Special tax levy authorized.

SEC. 5. The board of county commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the said school district in which the election was held, sufficient to pay the principal and interest of the bonds and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

Collection and application.

Powers conferred declared supplemental.

SEC. 6. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

Act constitutes authority for powers authorized.

SEC. 7. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the Board of Trustees of the Southern Pines School District.

Application of Local Government Act.

Application of Act.

SEC. 8. This Act shall apply only to Southern Pines School District in Moore County.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1949.

H. B. 45 CHAPTER 12

AN ACT TO DEFER THE QUADRENNIAL ASSESSMENT AND VALUATION OF PROPERTY IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 610, Session Laws, 1945, amended.

SECTION 1. Chapter 610 of the Session Laws of 1945 is hereby amended by adding at the end of Section 2 thereof the follow-

ing: "and provided further, however, that any time prior to the time for said valuation and assessment in 1949, the Board of County Commissioners of Wayne County, upon facts which it shall find warranting the same for the best interest of the county, is hereby authorized within its discretion to further postpone the said revaluation until the regular listing time in 1951."

Wayne County, quadrennial assessment and valuation of property deferred.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1949.

H. B. 49 **CHAPTER 13**

AN ACT TO AMEND CHAPTER 1046 OF THE SESSION LAWS OF 1945, NOW DESIGNATED AS G. S. 51-8.1 OF THE 1947 CUMULATIVE SUPPLEMENT TO THE GENERAL STATUTES, RELATING TO HASTY MARRIAGES, BY REMOVING WASHINGTON COUNTY FROM THE LIST OF COUNTIES AFFECTED THEREBY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 1046 of the Session Laws of 1945, designated as G. S. 51-8.1 in the 1947 Cumulative Supplement to the General Statutes, is hereby amended by striking out the word "Washington and Tyrrell" in lines one and two of Section 3 of said Chapter.

Ch. 1046, Session Laws, 1945, relating to hasty marriages, amended to exempt Washington and Tyrrell counties.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of February, 1949.

S. B. 49 **CHAPTER 14**

AN ACT TO AUTHORIZE THE GOVERNING BOARDS OF MUNICIPALITIES TO APPOINT A DEPUTY CITY CLERK AND TO ASSIGN TO SUCH DEPUTY THE SAME POWERS AND DUTIES ASSIGNED TO THE CITY CLERK.

The General Assembly of North Carolina do enact:

G. S. 160-273, amended.

SECTION 1. That Section 160-273 of the General Statutes of North Carolina be amended by adding the following at the end of the first paragraph:

Appointment of deputy city clerk by governing body of municipality.

"The governing body shall also have the authority to appoint a deputy city clerk to act during the absence or disability of the city clerk, and may assign to said deputy the same powers, authority, and duties as are assigned to the city clerk."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1949.

S. B. 58 **CHAPTER 15**

AN ACT AUTHORIZING THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF SPENCER TO SELL AT PRIVATE SALE A CERTAIN LOT OF LAND LOCATED IN SAID TOWN.

The General Assembly of North Carolina do enact:

Sale of lot by Town of Spencer to Lodge N. 543, A. F. & A. M., authorized.

SECTION 1. The Mayor and Board of Aldermen of the Town of Spencer may, in their discretion, sell to Spencer Lodge No. 543, A. F. & A. M., of the Town of Spencer, North Carolina, a certain lot owned by the Town of Spencer, and described as follows:

Description of property.

Beginning at a stake in the East edge of Fourth Street, said stake being 90 feet South 32 deg. 15 min. East from the Southeast corner of the intersection of Yadkin Avenue and Fourth Street; and runs thence with the East side of Fourth Street, South 32 deg. 15 min. East 50 feet to a stake in the edge of an alley; thence with the edge of said alley, North 57 deg. 45 min. East 100 feet to an iron pipe; thence North 32 deg. 15 min. West 50 feet to a stake; thence South 57 deg. 45 min. West 100 feet to the beginning.

Private sale authorized.

SEC. 2. The Mayor and Board of Aldermen of the Town of Spencer are hereby given authority, in their discretion, to sell

the property mentioned in Section 1 of this Act at private sale to Spencer Lodge No. 543, A. F. & A. M., of Spencer, North Carolina, without the necessity of advertising any notice of conveyance or sale in the newspapers or otherwise.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1949.

H. B. 19 **CHAPTER 16**

AN ACT TO AMEND CHAPTER 46, SECTION 46-17, OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE TIME OF FILING A REPORT BY COMMISSIONERS APPOINTED IN PARTITION PROCEEDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 46, Section 46-17, of the General Statutes of North Carolina, relating to the report of the commissioners appointed by the clerk to partition real property, be amended as follows: G. S. 46-17, relating to report of commissioners, partition proceedings, amended.

Strike out the period following the word "clerk" in the twelfth line of said Section, substitute in its place a semicolon, and immediately following the semicolon add the following proviso:

"Provided, that the clerk of the Superior Court may, in his discretion, for good cause shown, extend the time for the filing of the report of said commissioners for an additional period not exceeding sixty days. This proviso shall be applicable to proceedings now pending for the partition of real property." Authority of Clerk Superior Court to extend time for filing report.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1949.

H. B. 59 CHAPTER 17

AN ACT TO AMEND SECTION 28-68 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PAYMENTS TO CLERKS OF SUPERIOR COURT, SUMS NOT EXCEEDING THREE HUNDRED DOLLARS ($300.00) DUE TO ESTATES, BY EXTENDING THE APPLICATION THEREOF TO CARTERET COUNTY.

The General Assembly of North Carolina do enact:

G. S. 28-68, amended to provide for payment to C. S. C. of small sums due intestates, Carteret County.

SECTION 1. That Section 28-68 of the General Statutes of North Carolina, as amended, is further amended by asserting at the end of the list of counties designated therein "Carteret County" so that the provisions of said Section shall apply to Carteret County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1949.

H. B. 72 CHAPTER 18

AN ACT TO AMEND CHAPTER 517 OF THE SESSION LAWS OF 1943 AS AMENDED BY CHAPTER 657 OF THE SESSION LAWS OF 1945 RELATING TO CERTAIN SCHOOL PROPERTY IN CURRITUCK COUNTY NO LONGER USED FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Ch. 517, Session Laws, 1943, amended.

SECTION 1. The last paragraph of the preamble to Chapter 517 is hereby amended by striking out in lines one and two the words "a board of trustees be named" and inserting in lieu thereof the words "the Ruritan Club of Shawboro or some other organization be named".

SEC. 2. Section one of Chapter 517 of the Session Laws of 1943 is amended to read as follows:

Board of Education, Currituck County, conveyance of certain school property to Ruritan Club at Shawboro.

"Section 1. The Board of Education of Currituck County be, and it is hereby, ordered, directed, and empowered to make, execute, and deliver to the Ruritan Club of Shawboro, within sixty days after the ratification of this Act, a deed which shall convey that certain tract or lot of land situated in the village of Shawboro in Currituck County, containing three acres, more or less, which property is now owned by the Board of Education of Currituck County."

SEC. 3. Section two of Chapter 517 of the Session Laws of 1943 is amended to read as follows: Property to be used for public purposes.

"Sec. 2. That said property, when so conveyed, shall be used for such public purposes as may be determined by said Ruritan Club of Shawboro."

SEC. 4. Chapter 657 of the Session Laws of 1945 is hereby repealed. Ch. 657, Session Laws, 1945, repealed.

SEC. 5. Section three of Chapter 517 of the Session Laws of 1943 is amended to read as follows:

"Sec. 3. The Ruritan Club of Shawboro is hereby appointed as trustee for the purpose of taking title to the property hereinbefore referred to and managing, operating, and controlling the same as Shawboro Community Center and it shall have authority to construct such building or buildings upon the property without the expenditure of public funds." Ruritan Club to control and operate property as Shawboro Community Center.

SEC. 6. Section four of Chapter 517 of the Session Laws of 1943 is hereby repealed.

SEC. 7. Section five of Chapter 517 of the Session Laws of 1943 is amended to read as follows:

"Sec. 5. The Ruritan Club of Shawboro is hereby authorized to accept title to said property in trust and is empowered to use the property hereinbefore described as a community center or for such other public purposes as it may deem proper. In the event the said Ruritan Club of Shawboro shall fail or refuse to utilize said property as a community center or for some other public purpose, then, and in that event, the title to said property shall immediately revert to and become the property of the Board of Education of Currituck County in the same manner as if the conveyance herein authorized had never been executed." Reversion of property to Board of Education if not used for public purpose.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1949.

H. B. 136 CHAPTER 19

AN ACT VALIDATING THE OFFICIAL ACTS OF GEORGE H. HANCOCK AS A JUSTICE OF THE PEACE IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Official acts of George H. Hancock as justice of the peace, Chatham County, validated.

SECTION 1. All official acts or transactions undertaken or performed in the capacity of a justice of the peace by George H. Hancock of Bear Creek Township, Chatham County, North Carolina, from the first day of January, 1941 through the month of June, 1948 are hereby validated and confirmed in all respects, as fully as if the said George H. Hancock had fully complied with all the legal requirements for qualification as a justice of the peace in said township and county during said period of time.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1949.

H. B. 167 CHAPTER 20

AN ACT VALIDATING THE OFFICIAL ACTS OF P. C. CAMPBELL AS A JUSTICE OF THE PEACE IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Official acts of P. C. Campbell as justice of the peace, Stokes County, validated.

SECTION 1. All official acts or transactions undertaken or performed in the capacity of a justice of the peace by P. C. Campbell of Danbury Township, Stokes County, North Carolina, from the thirty-first day of March, 1947 through the tenth day of November, 1948, are hereby validated and confirmed in all respects as fully as if the said P. C. Campbell had fully complied with all the legal requirements for qualification as a justice of the peace in said township and county during said period of time.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1949.

H. B. 202 CHAPTER 21

AN ACT TO AUTHORIZE THE SALE AND PROVIDE FOR THE MANNER OF SALE OF THE POTECASI SCHOOL PROPERTY WHICH IS NOT BEING USED AND IS NO LONGER NEEDED FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Northampton County Board of Education, sale of property to Pine Grove, Inc.

SECTION 1. That the Northampton County Board of Education be and it is hereby authorized and empowered, in the exercise of its discretion, to sell, publicly or privately, the following real estate for $100.00 to Pine Grove, Inc., a non stock corporation which is to be formed to operate a boarding home for aged persons:

Description of property.

A lot or parcel of land, with all improvements thereon, containing 2 acres, more or less, situated in Roanoke Township of Northampton County, North Carolina, known as the Potecasi White School Property, which is described as follows: Beginning at a stake on the public road from Potecasi to Conway, thence N 75 degrees E 489 feet to stake; thence N 46 degrees W 246½ feet to stake; thence S 75 degrees W 345 feet to stake at road; thence along the road S 10 degrees E 209 feet to point of beginning.

Reversion of property to Board of Education if not used for purposes specified.

SEC. 2. *Provided, however*, that if such sale is made by the Northampton County Board of Education then and in such event the real estate shall be conveyed upon condition that if the building thereon is not remodelled and if the operation therein of a boarding home for aged persons is not begun within two years from the ratification of this Act or if any part of the profits realized from the operation of the boarding home is used for purposes other than the maintenance, improvement or expansion of the institution, title to the real estate, with all improvements thereon, shall revert immediately to Northampton County Board of Education and it may re-enter and take possession of said property the same as if deed had never been made.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after the date of ratification.

In the General Assembly read three times and ratified, this the 8th day of February, 1949.

S. B. 14 CHAPTER 22

AN ACT TO AMEND CHAPTER 28 OF THE GENERAL STATUTES, RELATING TO THE RIGHT TO NOMINATE AN ADMINISTRATOR.

The General Assembly of North Carolina do enact:

G. S. 28-6, amended.

SECTION 1. G. S. 28-6 is hereby amended by inserting the letter "(a)" in line one immediately preceding the word "letters" in lines one and two, and by adding the following paragraph at the end of the Section:

Person renouncing right to administer may nominate administrator.

"(b) Any person who renounces his right to qualify as administrator may at the same time nominate in writing some other qualified person to be named as administrator, and such designated person shall be entitled to the same priority of right to qualify as administrator as the person making the nomination. Provided, that the qualification of the appointee shall be within the discretion of the clerk of court."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 25 CHAPTER 23

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF RED SPRINGS TO EXERCISE THE POWERS OF PEACE OFFICERS SO AS TO INCLUDE ALL TERRITORY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE TOWN OF RED SPRINGS.

The General Assembly of North Carolina do enact:

Police authority, Town of Red Springs, extended.

SECTION 1. The authority of police officers of the Town of Red Springs to make arrests, serve warrants, and otherwise exercise the powers of peace officers is hereby extended to include all territory within one mile of the corporate limits of the Town of Red Springs.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 69

CHAPTER 24

AN ACT TO FIX THE TERMS OF OFFICE AND REGULATE THE ELECTION OF THE MAYOR AND BOARD OF TOWN COMMISSIONERS FOR THE TOWN OF HAYESVILLE.

The General Assembly of North Carolina do enact:

Term of office, Mayor and Commissioners, Town of Hayesville.

SECTION 1. That the term of office of the Mayor and Board of Town Commissioners of the Town of Hayesville shall be two years.

Biennial election of officials.

SEC. 2. That the election of the Mayor and Board of Town Commissioners of the Town of Hayesville shall be held on Tuesday after the first Monday in May, 1949, and biennially thereafter.

Application of general election laws.

SEC. 3. That in all respects, all elections in the Town of Hayesville shall be governed by the general laws of the State as set forth in Sections 160-29 to 160-59 of the General Statutes of North Carolina, both inclusive, and as amended.

Statement of candidacy.

SEC. 4. Any person desiring to become a candidate for the office of Mayor or Commissioner of the Town of Hayesville shall, at least 30 days prior to election day, file with the town clerk of the town a statement of such candidacy in substantially the following form:

Form of statement.

"STATE OF NORTH CAROLINA,

"TOWN OF HAYESVILLE.

"I, _____, hereby give notice that I reside in the Town of Hayesville; that I am a candidate for election to the office of (Mayor or commissioner) to be voted upon at the town election to be held on the first Tuesday after the first Monday in May, 19____, and I hereby request that my name be printed on the official ballot for said election for such office.

_____
Signature

Witness:

_____"

Powers and duties of Mayor and Commissioners.

SEC. 5. That in addition to the powers granted by virtue of the Charter of the Town of Hayesville, the Mayor and the Board of Town Commissioners of the Town of Hayesville shall exercise all the corporate powers and duties as are conferred upon mayors and commissioners of incorporated towns under Chapter 160 of the General Statutes of North Carolina, as amended.

Compensation of officials.

SEC. 6. That the Mayor of the Town of Hayesville shall receive for his services a salary of one hundred dollars $(100.00)

per year, payable monthly and effective as of the first Tuesday after the first Monday in May, 1949. The salary of each member of the Board of Town Commissioners of the Town of Hayesville shall be sixty dollars ($60.00) per year, payable monthly and effective as of the first Tuesday after the first Monday in May, 1949.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 74

CHAPTER 25

AN ACT TO PERMIT THE TOWN OF PLYMOUTH, A MUNICIPAL CORPORATION OF THE STATE OF NORTH CAROLINA, TO SELL CERTAIN REAL PROPERTY BELONGING TO THE SAID TOWN.

The General Assembly of North Carolina do enact:

Sale of municipally owned property, Town of Plymouth.

SECTION 1. That the Town of Plymouth, North Carolina, be and hereby is authorized and empowered to sell and convey, by deed in fee simple, the following described real property belonging to the said town, or any part, or parts, of the same:

Description of property.

Bounded on the South by Water Street; bounded on the East by Adams Street; bounded on the West by the line of the lot heretofore sold to Leder Brothers; bounded on the North by Roanoke River.

Notice of sale.

SEC. 2. That the said property shall be advertised by posting a notice of the sale thereof at the court house door and three other public places in the said town for a period of thirty days

Publication of notice.

before such sale, and also by publishing such notice once a week for four weeks in some newspaper published in said town, if any.

Rights of town with respect to sale.

SEC. 3. That the sale of the said property shall be optional with and not obligatory upon the said town; that the said town may sell the said property as a whole or may subdivide the same, as the governing authorities of the said town may deem best, with the right in said town to reject any and all bids for the same, but if said property, or any part thereof, is sold as aforesaid then same must be sold to the highest responsible bidder, or bidders, at such sale for cash.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act be and the same hereby are repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 103 CHAPTER 26

AN ACT PERMITTING THE CITY OF SALISBURY TO CANCEL PAVING ASSESSMENTS NOW DUE ON PROPERTY OF THE ROWAN MEMORIAL HOSPITAL.

The General Assembly of North Carolina do enact:

SECTION 1. That the City Council of the City of Salisbury, North Carolina, be and it is hereby authorized and empowered, at its discretion, to cancel all outstanding special assessments, and interest thereon, due said city on the property of the Rowan Memorial Hospital and located on Confederate Avenue in said city and which is a part of the site of the nurse's home of said hospital.

City of Salisbury, authority to cancel special assessments on property of Rowan Memorial Hospital.

SEC. 2. That this Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 131 CHAPTER 27

AN ACT AMENDING CHAPTER 601 OF THE SESSION LAWS OF NORTH CAROLINA FOR THE YEAR 1947 AUTHORIZING THE CITY MANAGER OF WINSTON-SALEM TO APPOINT AND REMOVE ALL EMPLOYEES OF THE CITY, INCLUDING HEADS OF DEPARTMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The first paragraph and the first sentence of the second paragraph of Subsection (5) of Section 5 of Chapter 601 of the Session Laws of North Carolina for the year 1947 are hereby repealed, and the following provisions are adopted in lieu thereof, to-wit:

Ch. 601, Session Laws, 1947, relating to city manager government, Winston-Salem, amended.

(5) appoint and remove all employees of the city, including all heads of departments, superintendents, and other employees of the city.

Appointment and removal of city employees.

Members of commissions now appointed by the board of aldermen shall continue to be appointed by the board of aldermen.

Appointment of members of commissions.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 133 **CHAPTER 28**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SCOTLAND COUNTY TO PLEDGE SURPLUS AND UNAPPROPRIATED FUNDS ON HAND TO GUARANTEE ANY POSSIBLE OPERATING DEFICIT WHICH MAY BE INCURRED BY THE SCOTLAND COUNTY MEMORIAL HOSPITAL FOR A PERIOD OF TWO YEARS FOLLOWING THE DATE OF ITS OPENING FOR THE ADMISSION OF PATIENTS.

Preamble: Funds available for construction of hospital at Laurinburg.

WHEREAS, the Board of Trustees of the Scotland County Memorial Hospital have raised the necessary funds with the aid of State and Federal money to build a 100-bed hospital at Laurinburg, North Carolina: and

Guaranty against two year operating deficit necessary.

WHEREAS, under the Federal law, it is necessary as a condition for using public funds that the proposed hospital be guaranteed against an operating deficit during the first two years of its operation up to a total of thirty-three thousand dollars ($33,000.00); and

Resolution by Scotland County Commissioners appropriating sum for necessary guaranty.

WHEREAS, in order to insure and guarantee that any possible operating deficit be guaranteed and paid, the Board of County Commissioners of Scotland County passed a resolution on the 3rd day of January, 1949, appropriating the sum of sixteen thousand five hundred dollars ($16,500.00) per year for a period of two years, or so much thereof as may be necessary, following the date of its opening for the admission of patients, to guarantee the payment of any operating deficit which might be incurred by said hospital during the two-year period referred to above: and

Agreement to deposit securities or cash as guarantee.

WHEREAS, the Board of County Commissioners of Scotland County have agreed to deposit securities or cash in the sum of thirty-three thousand dollars ($33,000.00) in The State Bank, or some other escrow agent, as a guarantee of the payment of any such deficit should any exist at the expiration of the two-year period referred to above: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. The special approval of the General Assembly is hereby given to the Board of County Commissioners of Scotland County to the appropriation of the sum of thirty-three thousand dollars ($33,000.00) of the surplus and unappropriated funds belonging to Scotland County for the purposes set out in the preamble to this Act, and the said county commissioners are authorized to deposit securities or cash in the sum of thirty-three thousand dollars ($33,000.00) in The State Bank, or some other escrow agent, as a guarantee of the payment of any deficit in the operating expenses which may be incurred by the Scotland County Memorial Hospital during the period of two years following the date the proposed new hospital is opened for the admission of patients.

Approval of General Assembly for appropriation by Scotland County Commissioners.

Deposit of securities or cash as guarantee of payment of deficit.

SEC. 2. The resolution adopted by the Board of County Commissioners of Scotland County on the 3rd day of January, 1949, appropriating the thirty-three thousand dollars ($33,000.00) referred to in the preamble to this Act, is hereby, in all respects, confirmed, ratified and validated.

Resolution of Board appropriating sum ratified.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 134 CHAPTER 29

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF SCOTLAND COUNTY TO TURN IN TO THE GENERAL FUND CERTAIN DELINQUENT TAXES UPON COLLECTION OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Scotland County is authorized and empowered, in its discretion, to turn in to the general fund of the county the proceeds of all uncollected taxes which may be hereafter collected for the year 1945 and all prior years.

Certain delinquent tax collections, Scotland County, payable to general fund.

SEC. 2. All delinquent taxes for the year 1946 and for each subsequent year, after having been delinquent for a period of three years from and after their due date, shall, when collected, be turned in to the general fund of Scotland County.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 139 **CHAPTER 30**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HARNETT COUNTY TO ENACT ORDINANCES AND POLICE REGULATIONS RELATING TO THE USE OF STREETS, ROADS, ALLEYS OR DRIVEWAYS IN THE UNINCORPORATED COMMUNITY OF ERWIN, HARNETT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

State highway and motor vehicles laws applicable to streets, etc., of Erwin, Harnett County.

SECTION 1. All the provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles thereon are hereby made applicable to the streets, roads, alleys or driveways in the unincorporated community of Erwin, Harnett County, North Carolina.

Penalty for violations.

Any person violating any of the provisions of said Chapter in or on such streets, roads, alleys or driveways shall, upon conviction thereof, be punished as therein prescribed.

Additional regulations and ordinances.

SEC. 2. The Board of County Commissioners of Harnett County is authorized to make such additional rules and regulations and adopt such additional ordinances with respect to the use of the streets, roads, alleys or driveways, and to the establishment of parking areas in the unincorporated community of Erwin not inconsistent with the provisions of Chapter 20, General Statutes of North Carolina, as in its opinion may be necessary for the protection of the health, welfare and safety of said community.

Record of adopted regulations and ordinances.

All regulations and ordinances adopted pursuant to the authority of this Act shall be recorded in the proceedings of the board and printed, and copies of such regulations and ordinances shall be filed in the office of the Secretary of State of North Carolina.

Violations made misdemeanor.

Any person violating any such regulations and ordinances shall, upon conviction thereof, be guilty of a misdemeanor, and shall be punishable by a fine not exceeding fifty dollars ($50.00) or imprisonment for not exceeding 30 days.

Public notice of applicable speed limits, parking laws and ordinances.

SEC. 3. The Board of County Commissioners of Harnett County shall cause to be posted at appropriate places within the unincorporated community of Erwin notice to the public of applicable speed limits, parking laws and ordinances.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 140

CHAPTER 31

AN ACT RELATING TO RIGHT OF WAY OF FIRE DEPARTMENT VEHICLES IN UNINCORPORATED COMMUNITY OF ERWIN, HARNETT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Right of way of fire department vehicles in Erwin, Harnett County.

SECTION 1. That vehicles manned by members of the fire department of the unincorporated community of Erwin, Harnett County, North Carolina shall, in answering a fire alarm, and upon the giving of an audible signal by bell, siren, or blinking lights, have right of way over all other vehicles on the streets, roads, alleys or driveways of said community and upon the highways and secondary roads of Duke Township, Harnett County, North Carolina.

Regulation of vehicles following or parking near fire apparatus.

SEC. 2. It shall be unlawful for the driver of any vehicle other than one on official business, to follow any fire apparatus of the above fire department closer than a distance of one block or to park such vehicle within one block where such fire apparatus has stopped in answer to a fire alarm. Any person violating this Act shall, upon conviction thereof, be guilty of a misdemeanor, and shall be punishable by a fine not exceeding fifty dollars ($50.00) or imprisonment for not exceeding 30 days.

Violations made misdemeanor.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 163 **CHAPTER 32**

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO SPEND A PORTION OF THE PROFITS FROM THE ALCOHOLIC BEVERAGE CONTROL BOARD AND OTHER MONIES FOR CERTAIN PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Use of ABC profits and other monies for public purposes, New Hanover County.

SECTION 1. That the Board of Commissioners of New Hanover County be and they are hereby authorized and empowered, annually, to set apart and appropriate from the profits of the Alcoholic Beverage Control Board of said county, or from surplus funds of the county not raised by taxation, and not otherwise appropriated, an amount not exceeding $10,000.00, for the purposes of aiding and encouraging the location of manufacturing, industrial and commercial plants in said county, the development of agriculture therein, the development of the beaches and resorts of said county, and for advertising the advantages and resources of the county, and for such other purposes as will, in the discretion of said board of commissioners, increase the taxable property, business property and general welfare of said county, all of which said purposes are hereby declared to be public purposes of the county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 176 **CHAPTER 33**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO APPOINT AN ASSOCIATE JUDGE OR VICE RECORDER OF THE RECORDER'S COURT OF GRANVILLE COUNTY WHO SHALL PRESIDE OVER SAID COURT IN THE ABSENCE OF THE REGULAR JUDGE BECAUSE OF SICKNESS OR OTHER CAUSE.

The General Assembly of North Carolina do enact:

Granville County, Recorder's Court, appointment of associate judge or vice recorder.

SECTION 1. The Board of County Commissioners of Granville County is hereby authorized and empowered to appoint an associate judge or vice recorder of the Recorder's Court of Granville County who shall serve in such capacity until the expiration of the present term of the regular judge of said court. There-

after, the board of county commissioners of said county is authorized and empowered to appoint an associate judge or vice recorder of said court who shall serve for a term of two years and until his successor is appointed and duly qualified. Term of office.

SEC. 2. The associate judge or vice recorder appointed under Section 1 of this Act shall preside over said court in the absence of the regular judge thereof, and at such sessions of said court when, because of sickness or otherwise, the regular judge of said court does not preside. Duties.

SEC. 3. Any vacancies occurring in the office of the associate judge or vice recorder herein provided for shall be filled by the Board of County Commissioners of Granville County. Vacancy appointments.

SEC. 4. The County Commissioners of Granville County are authorized to pay such compensation to the said associate judge or vice recorder as, in their judgment, may seem just and proper. Compensation.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

S. B. 34 CHAPTER 34

AN ACT TO AMEND GENERAL STATUTE 46-25 RELATING TO THE SALE OF STANDING TIMBER ON PARTITION.

The General Assembly of North Carolina do enact:

SECTION 1. General Statute 46-25 is hereby amended by rewriting the same to read as follows: "When two or more persons own, as tenants in common, joint tenants or co-partners, a tract of land, either in possession, or in remainder or reversion, subject to a life estate, or where one or more persons own a remainder or reversionary interest in a tract of land, subject to a life estate, then in any such case in which there is standing timber upon any such land, a sale of said timber trees, separate from the land, may be had upon the petition of one or more of said owners, or the life tenant, for partition among the owners thereof, including the life tenant, upon such terms as the court may order, and under like proceedings as are now prescribed by law for the sale of land for partition: Provided, that when the land is subject to a life estate, the life tenant shall be made a party to the proceedings, and shall be entitled to receive his G. S. 46-25, amended. Partition proceedings for sale of standing timber when property subject to life estate. Valuation of life estate.

portion of the net proceeds of sales, to be ascertained under the mortuary tables established by law.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

S. B. 63 **CHAPTER 35**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF UNION COUNTY TO COMPENSATE THE SUB-RECORDER OF UNION COUNTY RECORDER'S COURT FOR SERVICES RENDERED.

Preamble: Office of Sub-Recorder, Union County, vacant in 1948.

WHEREAS, in the year 1948 the office of Sub-Recorder of the Union County Recorder's Court was vacant; and

Appointment of Sub-Recorder necessary due to illness of Recorder.

WHEREAS, for several months during said year 1948 the Recorder of the Recorder's Court for Union County, by reason of serious illness, became incapacitated to perform the duties of his office or to resign, and it became necessary that the County Commissioners of Union County appoint a sub-recorder, pursuant to the Act creating said recorder's court as amended; and

Services of H. B. Smith as Sub-Recorder.

WHEREAS, at the request of the Union County Bar Association and the Board of County Commissioners of Union County, H. B. Smith was appointed, duly qualified, and faithfully performed all of the duties imposed by law on the Judge of Recorder's Court for Union County, for a period of several months prior to the first Monday in December, 1948; and

Compensation fixed by Act creating Court inadequate.

WHEREAS, the compensation fixed by the local Act as amended, creating the Recorder's Court for Union County, was inadequate compensation for the services performed by H. B. Smith, sub-recorder, during his tenure of office, and it is the desire of the Board of County Commissioners of Union County to pay proper compensation for such services rendered; *Now, therefore,*

Desire of Commissioners to make adequate compensation.

The General Assembly of North Carolina do enact:

Compensation to Sub-Recorder for services rendered authorized.

SECTION 1. That the Board of County Commissioners of Union County be, and they are authorized, empowered and directed to pay to H. B. Smith, former Sub-Recorder of the Recorder's Court of Union County, the sum of nine hundred dollars ($900.00) in one lump sum, as compensation for services ren-

dered by him by virtue of his service as Sub-Recorder of the Union County Recorder's Court during the year 1948, and that said sum of nine hundred dollars ($900.00) be appropriated and paid from the General Fund of Union County.

Appropriations from general fund.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 21 **CHAPTER 36**

AN ACT TO REPEAL CHAPTER 653 OF THE SESSION LAWS OF 1947 AND TO CREATE A COMMISSION TO STUDY AND REPORT ON A PLAN FOR CONSOLIDATING THE MUNICIPAL AND GOVERNMENTAL FUNCTIONS OF THE CITY OF DURHAM AND THE COUNTY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 653 of the Session Laws of 1947, ratified on April 7, 1947, is hereby repealed.

Ch. 653, Session Laws, 1947, repealed.

SEC. 2. That a commission is hereby created to investigate, study, and report on the feasibility of and the advantages to be derived from, consolidating some or all of the municipal and governmental functions, powers, duties and offices of the City of Durham and County of Durham, which commission shall be designated as the Durham City-County Consolidation Commission. After making and conducting a thorough investigation and study of said subject, for which purpose all necessary clerical and professional assistance may be retained and used, said commission shall submit its report or reports in writing to the City Council of the City of Durham and to the Board of Commissioners for the County of Durham, setting forth its findings and its specific recommendations in regard to such consolidation as it has found practicable and for the benefit of citizens within Durham County, together with a detailed plan for effectuating such consolidation as may be recommended.

Creation of Durham City-County Consolidation Commission.

Investigation and report of Commission.

SEC. 3. That said commission shall consist of the Mayor of the City of Durham, the Chairman of the Board of Commissioners for Durham County, two persons selected by the City Council of the City of Durham, two persons selected by the Board of Commissioners for the County of Durham, and three citizens of Durham County who shall be selected by the six members first named. Said commission shall organize as soon

Members of Commission.

Organization of Commission.

as practicable after its membership is completed, by electing one of its members as chairman and another as vice-chairman. A secretary also shall be elected, who need not be a member of the commission.

Appropriations for expenses of Commission.

SEC. 4. That the City Council of the City of Durham and the Board of Commissioners for the County of Durham are hereby authorized to appropriate funds to pay the reasonable expenses of said commission incurred in the carrying out of the purposes for which it is created; *provided, however,* that the members of said commission shall serve without pay and shall receive no compensation.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 28 **CHAPTER 37**

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF NAGS HEAD IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 241, Private Laws, 1923, incorporating Town of Nags Head, repealed.

SECTION 1. Chapter 241 of the Private Laws of 1923, incorporating the Town of Nags Head in Dare County, is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 61 **CHAPTER 38**

AN ACT AUTHORIZING THE TOWN OF SOUTHERN PINES TO ACCEPT A SECOND LIEN ON THE SOUTHERN PINES COUNTRY CLUB PROPERTIES, IN LIEU OF THE FIRST LIEN NOW HELD BY SAID TOWN ON SAID PROPERTIES.

Preamble: First lien on Southern Pines Country Club property in favor of municipality.

WHEREAS, the Town of Southern Pines, in Moore County, now owns and holds a first note and deed of trust covering certain property in said town, familiarly known as the Southern Pines Country Club property, upon which there is a balance now due said town in the sum of approximately eleven thousand dollars ($11,000.00); and

Possibility of change in ownership of property.

WHEREAS, it appears that a change in the ownership and management of said property is likely to be made which will be advantageous and to the best interest of said town and all of its citizens; and

Town requested to accept second lien.

WHEREAS, in order to facilitate a change in the ownership and management of said property, the said town has been requested to accept a second note and deed of trust, in the sum of approximately eleven thousand dollars ($11,000.00), in lieu of the first note and deed of trust now held by said town on said property: *Now, therefore,*

The General Assembly of North Carolina do enact:

Board of Commissioners, Southern Pines, authorized to accept second lien deed of trust.

SECTION 1. That upon a finding, by a majority vote, of the Board of Commissioners of said Town of Southern Pines, that it will be to the best interest of said town to accept a second note and deed of trust covering said Southern Pines Country Club property, in lieu of the first note and deed of trust now held by said town on said property, the said board of commissioners is hereby authorized and empowered to accept a second note and deed of trust for the amount now due and to become due said town and secured by said property, the said second deed of trust to be subject to a first deed of trust in such amount as said board, by a majority vote, shall determine and decide, in its discretion, to be advantageous and to the best interest of said Town of Southern Pines.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 68

CHAPTER 39

AN ACT RELATING TO THE PAYMENT OF COMPENSATION TO A DEPUTY REGISTER OF DEEDS OR FOR CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF SURRY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appropriation for compensation to deputy register of deeds, Surry County.

SECTION 1. The Board of Commissioners of Surry County is authorized and empowered to appropriate and pay to a deputy register of deeds, designated and appointed by the Register of Deeds of Surry County, the sum of nine hundred dollars ($900.00) annually, said amount to be paid by the county accountant upon order of said board of commissioners in such amounts and from time to time as said board may direct.

Appropriation for clerical assistance if no deputy register of deeds appointed.

SEC. 2. If no deputy register of deeds be designated and appointed by the Register of Deeds of Surry County, then the said board of commissioners is authorized and empowered to pay and appropriate the sum of nine hundred dollars ($900.00) per year for clerical assistance for the office of the Register of Deeds of Surry County, and said amount to be paid in monthly installments or in such other installments and in such amounts as the board of commissioners may determine and direct.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 84

CHAPTER 40

AN ACT TO PERMIT REVENUE COLLECTED FROM COUNTY TAXES IN CAMDEN COUNTY FIVE YEARS OR MORE IN ARREARS TO BE PLACED IN THE GENERAL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

Certain delinquent tax collections, Camden County, placed in general fund.

SECTION 1. All revenue collected from county taxes, tax sale certificates, tax notes, or other evidence of tax liability in Camden County which are five years or more in arrears may be placed in the general fund of the county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 93

CHAPTER 41

AN ACT RELATING TO THE OFFICE HOURS OF THE REGISTER OF DEEDS OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Office hours of Register of Deeds, Caswell County.

SECTION 1. It shall be the duty of the Register of Deeds of Caswell County to keep the office of the register of deeds open for the transaction of business between the hours of 8:30 o'clock A. M. and 5:00 o'clock P. M. each Monday, Tuesday, Wednesday, Thursday and Friday of each week and between the hours of 8:30 o'clock A. M. and 12:00 o'clock noon each Saturday of each week. It shall not be necessary for such register of deeds to keep his office open on Sundays or on legal holidays.

Schedule of fees.

SEC. 2. The Register of Deeds of Caswell County shall receive the fees set out below for performing the duties set out below:

Registering chattel mortgage, the sum of fifty cents (50c); Registering conditional sale contract, the sum of eighty cents (80c) for the first 300 words, and twenty cents (20c) for each 100 words in excess of the first 300 words; registering regular warranty deed, the sum of one dollar and fifty cents ($1.50); registering irregular warranty deed, the sum of one dollar and fifty cents ($1.50); registering easement, the sum of one dollar ($1.00); registering regular deed of trust, the sum of two dollars ($2.00); registering deed of trust with insurance clause, the sum of two dollars ($2.00); registering irregular deed of trust without insurance clause, the sum of two dollars ($2.00); recording map of land, the sum of seventy-five cents (75c); recording Graham Production Credit Association lien, the sum of seventy-five cents (75c); recording Farmers Home Administration lien, the sum of seventy-five cents (75c); issuing marriage license, the sum of one dollar ($1.00); copy of certificate of discharge from armed services, or marriage certificate, or birth certificate, the sum of fifty cents (50c); registering deed of trust in excess of 2500 words, the sum of three dollars ($3.00); registering any deed or other writing not listed above, the sum of eighty cents (80c) for the first 300 words, and twenty cents (20c) for each 100 words in excess of the first 300 words.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 105 **CHAPTER 42**

AN ACT AUTHORIZING AND APPROVING THE SALE OF TIMBER FROM THE UNUSED PORTION OF THE WATERSHED OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

Sale of timber from unused portion of watershed property, Town of Waynesville, authorized.

SECTION 1. That the Mayor and Board of Aldermen of the Town of Waynesville are authorized and empowered, from time to time, to sell upon sealed bids, timber from the watershed property of the Town of Waynesville, from the unused portions of said watershed, such sale to be made under strict supervision, and for the improvement and development of said watershed, and for the protection of the water supply, under restrictions approved by the State Board of Health.

Preparations for sale validated.

SEC. 2. That any acts and preparations made by the Town of Waynesville, or contracts for the sale of timber made prior to the ratification of this Act are hereby ratified and approved.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws or Special Acts or General Acts in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. B. 172 **CHAPTER 43**

AN ACT TO PROVIDE FOR THE ALLOCATION OF DELINQUENT TAXES COLLECTED BY UNION COUNTY.

Preamble: Union County, tax collections for certain years now unencumbered.

WHEREAS, the County Commissioners of Union County have provided for and paid all bills and obligations for which all taxes for the year 1945 and all prior years were levied; and

WHEREAS, there are no outstanding bills against any fund for which these taxes were levied; and

Advisability of allocating delinquent tax collections.

WHEREAS, it is deemed for the best interest of the county that collections of delinquent taxes be allocated to the general fund, as hereinafter set out: *Now, therefore,*

The General Assembly of North Carolina do enact:

Allocation of certain delinquent taxes, Union County, to general fund.

SECTION 1. That the County Commissioners of Union County are hereby authorized and empowered to allocate all, or any part, of the taxes collected that were levied for the year 1945 and all prior years, to the general county fund. The cost of collection of these taxes shall be paid out of the general county fund.

SEC. 2. That this Act shall apply only to Union County. Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed, in so far as they apply to the taxes mentioned in this Act. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

S. B. 15

CHAPTER 44

AN ACT TO AMEND CHAPTER 31 OF THE GENERAL STATUTES RELATING TO WITNESSES TO WILLS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 31 of the General Statutes is hereby amended by inserting a new Section immediately following G. S. 31-10 and immediately preceding G. S. 31-11, to be numbered G. S. 31-10.1, and to read as follows: G. S. Ch. 31, amended.

G. S. 31-10.1. A corporation named as a trustee in a will is not disqualified to act as trustee by reason of the fact that a person owning stock in the corporation signed the will as a witness. G. S. 31-10.1, relating to witnessing of wills by stockholders, enacted.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

S. B. 18

CHAPTER 45

AN ACT TO CONSTITUTE THE 1945 AND 1947 CUMULATIVE SUPPLEMENTS TO THE GENERAL STATUTES OF NORTH CAROLINA PRIMA FACIE EVIDENCE OF THE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. The 1945 and the 1947 Cumulative Supplements to the General Statutes of North Carolina of 1943, as compiled and published by the Michie Company, under the supervision of the Department of Justice of the State of North Carolina, are hereby constituted and declared to be prima facie evidence of the laws of North Carolina contained in said supplements. 1945 and 1947 Cumulative Supplements to General Statutes declared prima facie evidence.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

S. B. 19 **CHAPTER 46**

AN ACT TO AMEND G. S. 1-75, RELATING TO PROCEDURE ON DEATH OF A PARTY TO AN ACTION.

The General Assembly of North Carolina do enact:

G. S. 1-75, procedure on death of party to civil action, amended.

SECTION 1. (a) G. S. 1-75 is hereby amended by striking out the words "on a day named in a summons which must be at least twenty days after its service," in lines nine and ten and inserting in lieu thereof the words "within thirty days after the service of the summons,".

(b) G. S. 1-75 is hereby further amended by striking out the words "twenty days" in line nineteen and inserting in lieu thereof the words "thirty days".

Authority of Clerk Superior Court to extend time of filing answer.

(c) G. S. 1-75 is hereby further amended by adding the following sentence at the end of the Section: "For good cause shown, the clerk may extend the time of filing such answer to a day certain, but the clerk shall not extend such time more than once, nor for a period of time exceeding 20 days, except with the consent of the parties."

Pending litigation unaffected.

SEC. 2. This Act does not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

S. B. 21

CHAPTER 47

AN ACT TO AMEND CHAPTER 28 OF THE GENERAL STATUTES, RELATING TO PUBLICATION OF NOTICE TO CREDITORS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 28-47 is hereby amended by rewriting the second sentence of the Section to read as follows: "The notice shall be published once a week for six consecutive weeks in a newspaper qualified to publish legal advertisements, if any such newspaper is published in the county."

G. S. 28-47, relating to publication of administrator's notice to creditors, amended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

S. B. 26

CHAPTER 48

AN ACT TO PROVIDE FOR THE ELECTION IN TOWN MEETINGS OF MUNICIPAL OFFICERS FOR THE TOWN OF WASHINGTON PARK IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the effective date of this Act, the elective officers of the Town of Washington Park in Beaufort County shall be elected in the following manner, irrespective of any other statutory or charter requirement or restriction: On the first Tuesday after the first Monday in May, 1949, and biennially thereafter there shall be held at a convenient time and place within the corporate limits of the Town of Washington Park, a meeting for the purpose of choosing the elective officers of the Town of Washington Park.

Election in town meeting of municipal officers, Town of Washington Park.

Notice of the time and place and purpose of such meeting shall be given by the incumbent governing body of the Town of Washington Park, in a newspaper of general circulation in said town, such notice to appear at least once a week for four successive weeks next preceding the date of such town meeting.

Notice of meeting.

SEC. 2. The elective officers of the Town of Washington Park shall be chosen at the town meetings called in accordance with Section 1 of this Act, the several candidates to be nominated from the floor in open meeting, and the voting to be by secret written ballot. The ballots shall be counted and tabulated and the results determined and announced in such manner as the

Method of election.

majority of those qualified voters attending each meeting may determine.

Voting eligibility requirements.

SEC. 3. In order to be eligible to vote in any such town meeting the person proposing to vote must be a bona fide resident, living within the corporate limits of the Town of Washington Park, and in addition thereto, must be a duly qualified elector registered upon the Registration Books of Washington Park Precinct in Beaufort County.

Powers of elected officials.

SEC. 4. The town officials elected at the town meetings in the manner provided and authorized in this Act shall be the duly constituted elective officers of the Town of Washington Park, with all the constitutional, statutory, and incidental powers and duties vested in or imposed by law upon such officers in North Carolina.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 6. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

S. B. 57

CHAPTER 49

AN ACT AMENDING G. S. 14-335 RELATING TO PUBLIC DRUNKENNESS.

The General Assembly of North Carolina do enact:

G. S. 14-335, amended as to penalty for public drunkenness, Davidson County.

SECTION 1. G. S. 14-335 is hereby amended by inserting the word "Davidson" between the words "In" and "Guilford" in line one of Subsection 11 of said G. S. 14-335.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

S. B. 69

CHAPTER 50

AN ACT TO INCREASE THE NUMBER OF TOWN COMMISSIONERS OF MAYODAN, IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 3 of Chapter 69 of the Private Laws of 1899 is hereby amended by striking out the word "three" in line two of said Section and inserting in lieu thereof the word "five".

Ch. 69, Private Laws, 1899, amended to increase number of town commissioners of Mayodan.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

S. B. 70

CHAPTER 51

AN ACT TO AMEND CHAPTER 8 OF THE GENERAL STATUTES RELATIVE TO THE COMPETENCY OF CERTAIN EVIDENCE IN CIVIL AND CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 8 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 8-50, and immediately preceding G. S. 8-51, to be numbered G. S. 8-50.1, to read as follows:

G. S. Ch. 8, amended.

G. S. 8-50.1, enacted.

G. S. 8-50.1. Competency of evidence of blood tests. In the trial of any criminal action or proceedings in any court in which the question of paternity arises, the court before whom the matter may be brought, upon motion of the defendant, shall direct and order that the defendant, the mother and the child shall submit to a blood grouping test; provided, that the court, in its discretion, may require the person requesting the blood grouping test to pay the cost thereof. The results of such blood grouping tests shall be admitted in evidence when offered by a duly licensed practicing physician or other qualified person.

Competency of evidence of blood tests on issue of paternity.

In the trial of any civil action, the court before whom the matter may be brought, upon motion of either party, shall direct and order that the defendant, the plaintiff, the mother and the child shall submit to a blood grouping test; *provided*, that the court, in its discretion, may require the person requesting the blood grouping test to pay the cost thereof. The results of

Competency of evidence of blood tests in civil actions.

such blood grouping tests shall be admitted in evidence when offered by a duly licensed practicing physician or other duly qualified person.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

H. B. 73 CHAPTER 52

AN ACT TO VALIDATE REAL ESTATE CONVEYANCES HERETOFORE MADE BY THE TOWN OF STAR, IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Real estate conveyances by Town of Star validated.

SECTION 1. All real estate conveyances heretofore made by the Town of Star, in Montgomery County, which have been defective because of failure to advertise such sale, or otherwise strictly comply with the provisions of G. S. 160-59, are hereby validated, ratified and confirmed; provided that nothing herein contained shall affect pending litigation.

Pending litigation unaffected.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

H. B. 128 CHAPTER 53

AN ACT TO AMEND G. S. 1-109, RELATING TO PROSECUTION BONDS, SO AS TO PLACE COUNTIES ON THE SAME BASIS AS CITIES AND TOWNS WITH RESPECT THERETO.

The General Assembly of North Carolina do enact:

G. S. 1-109, requiring prosecution bonds in civil actions, amended to exempt counties.

SECTION 1. G. S. 1-109 is hereby amended by inserting the word "counties," immediately following the word "to" and immediately preceding the word "cities" in line 17, and by inserting the word "counties" immediately following the word "that" and immediately preceding the word "cities" in line 18.

SEC. 2. This Act does not apply to pending litigation. Pending litigation unaffected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

H. B. 208 **CHAPTER 54**

AN ACT TO VALIDATE CERTAIN ACTS OF THE TOWN COUNCIL OF THE TOWN OF FAIRMONT.

The General Assembly of North Carolina do enact:

SECTION 1. Any and all acts heretofore done and steps taken by the Town of Fairmont and/or its town council in the paving of the streets of the Town of Fairmont and the assessments levied therefor are hereby in all respects approved and validated. Acts of Town of Fairmont with respect to paving and assessments validated.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

H. B. 112 **CHAPTER 55**

AN ACT TO REGULATE THE RESIDENCE OF CERTAIN EMPLOYEES OF THE TOWN OF ROBBINSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of Section 160-25 of the General Statutes, requiring mayors, commissioners, intendants of police, aldermen or chief officers of any city or town to be qualified voters therein, shall not apply to the Chief of Police, Town Marshal, Town Constable, Town Clerk, Fire Chief, Deputy Marshal, police officers or other officers or employees of the Town of Robbinsville, except that the mayor and the members of the town council or board of town commissioners shall be qualified voters of the municipality. Residential qualifications of certain officers and employees, Town of Robbinsville.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of February, 1949.

S. B. 28 **CHAPTER 56**

AN ACT TO AMEND CHAPTER 26 OF THE PRIVATE LAWS OF 1935 AS AMENDED BY CHAPTER 700 OF THE SESSION LAWS OF 1943 RELATING TO APPOINTMENT OF MEMBERS OF THE BOARD OF EDUCATION OF THE LEXINGTON CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Ch. 26, Private Laws, 1935, amended.

SECTION 1. Section 2 of Chapter 26 of the Private Laws of 1935 as amended by Chapter 700 of the Session Laws of 1943 is hereby further amended by rewriting said Section 2 so as to read as follows:

Board of Education, Lexington City Administrative Unit.

Appointment of members.

SEC. 2. Members of Board: Appointment. The Board of Education of the Lexington City Administrative Unit shall be composed of six members, who shall be appointed by the Board of Aldermen of the City of Lexington. On the first Monday in March 1943 and biennially thereafter on the first Monday in March the board of aldermen shall appoint one member to the board of education from each of the five wards of the City of Lexington, and one member from the territory of the Lexington City Administrative School Unit at large, who shall serve for a term of two years or until their successors are appointed and qualified. All vacancies occurring on said board shall be filled for the unexpired term by the Board of Aldermen of the City of Lexington.

Vacancy appointments.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

S. B. 62 **CHAPTER 57**

AN ACT TO AMEND G. S. 2-16. RELATING TO THE POWER OF CLERKS OF THE SUPERIOR COURTS TO ADMINISTER OATHS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 2-16 is hereby amended by striking out lines 7, 8 and 9, the same being the paragraph of said Section numbered "2", and inserting in lieu thereof the following:

G. S. 216, amended as to power of clerks of the superior courts to administer oaths and take acknowledgments.

2. To administer any and all oaths and to take acknowledgment of the execution of all instruments or writings.

SEC. 2. Chapter 2 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 2-16 and immediately preceding G. S. 2-17, to be numbered G. S. 2-16.1, and reading as follows:

G. S. Ch. 2, amended.

G. S. 2-16.1, enacted.

G. S. 2-16.1. Validation of oaths administered by clerks. The act of any clerk of the Superior Court in administering any oath prior to the ratification of this Act, when such was not necessary in the exercise of the powers and duties of his office, is hereby ratified and validated; *provided, however,* that nothing herein contained shall affect pending litigation.

Validation of oaths previously administered.

Pending litigation unaffected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

S. B. 77 **CHAPTER 58**

AN ACT TO CHANGE THE NAME OF THE PEMBROKE STATE COLLEGE FOR INDIANS.

The General Assembly of North Carolina do enact:

SECTION 1. The name of the Pembroke State College for Indians is hereby changed to "Pembroke State College".

Name of Pembroke State College for Indians changed to Pembroke State College.

SEC. 2. G. S. 116-79, 116-80, 116-81, 116-83, 116-84, 116-85 are hereby amended by striking therefrom the words "Pembroke State College for Indians" wherever such words occur, and substituting therefor the words "Pembroke State College".

G. S. amended accordingly.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 60

CHAPTER 59

AN ACT VALIDATING THE ACTION OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN IN EXTENDING ITS TOWN LIMITS TO INCORPORATE THE AREA KNOWN AS COLONIAL HEIGHTS.

Preamble: Extension of corporate limits, Town of Aberdeen.

WHEREAS, on the 6th day of December, 1948 the Town Board of Commissioners of the Town of Aberdeen passed an ordinance incorporating into the limits of the Town of Aberdeen the area known as Colonial Heights in accordance with the authority granted to said board by Chapter 642 of the Session Laws of 1947, and

Minor error in Act authorizing extension.

WHEREAS, it has now been determined by a re-survey of the property that a minor error was recorded in Chapter 642 of the Session Laws of 1947, and

Correction of error by town board.

WHEREAS, the town board in passing its resolution corrected said error in the description as found in Chapter 642 of the Session Laws of 1947: *Now, therefore,*

The General Assembly of North Carolina do enact:

Act of extension validated.

SECTION 1. That the action of the Board of Commissioners of the Town of Aberdeen in incorporating the area known as Colonial Heights into the Town of Aberdeen as indicated in an ordinance adopted by said board on the 6th day of December 1948 is hereby validated and the following area is hereby annexed to and made a part of the Town of Aberdeen.

Description of area included in extension.

Beginning at an iron pipe at the southwest corner of the present corporate limit of the Town of Aberdeen and running thence with the western corporate limit line of Aberdeen N. 31-45 E. about 2115 feet to the south side of the road leading to the Wilder home; thence with it and the northerly line of the Mona Shepard tract N. 72-20 W. about 1930 feet to a concrete monument; thence with another line of the Shepard tract S. 19-45 W. 1063.96 feet to a concrete monument; thence with its other line S. 5-30 W. 660 feet to an iron stake; thence with its other line S. 84-15 E. 505.50 feet to a concrete monument; thence with the west line of the B. H. Sanborn 20.75 acre tract S. 17-15 W. 896.94 feet to a lightwood knot and iron bar; thence with its other line S. 64 E. 765.5 feet to its corner at or near the old Moore County Railroad line; thence with the other line of said

Sanborn tract N. 40-30 E. 319 feet; thence with its other line N. 17-15 E. 251 feet to the south corporate limit line of Aberdeen; thence with it N. 58-15 W. (as of Oct. 1924) about 80 feet to the beginning, containing 82 acres more or less.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 77 CHAPTER 60

AN ACT TO AMEND GENERAL STATUTES 105-422 RELATING TO THE BARRING OF TAX LIEN SO AS TO MAKE THE SAME APPLICABLE TO YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That General Statutes 105-422 be amended by striking out the word "Yadkin" in the list of counties at the end of said Section so as to make its provisions applicable to Yadkin County: Provided, that as to tax foreclosure actions which, under existing laws are not and will not be barred prior to December 31, 1948, foreclosure actions may be instituted thereon in Yadkin County at any time prior to December 31, 1949. G. S. 105-422, barring foreclosure of certain tax liens, amended to apply to Yadkin County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 83 CHAPTER 61

The General Assembly of North Carolina do enact:

AN ACT, RELATING TO THE POWER OF THE GOVERNING BODY OF THE TOWN OF GOLDSTON TO LEVY TAXES.

SECTION 1. The Governing Body of the Town of Goldston is hereby authorized and empowered to levy taxes as provided by, and subject to the limitations of, Section 160-402, the same being the general law of the State applicable to the power of municipalities to levy ad valorem taxes. Authority of Town of Goldston to levy taxes.

Ch. 108, Private Laws, 1907, amended.

SEC. 2. Section 12 of Chapter 108 of the Private Laws of 1907 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 85 CHAPTER 62

AN ACT TO AMEND GENERAL STATUTES 51-8.1 RELATING TO NONRESIDENT MARRIAGE LICENSE REQUIREMENTS.

The General Assembly of North Carolina do enact:

G. S. 51-8.1, relating to non-resident marriage license requirements, amended to exempt Camden County.

SECTION 1. General Statutes 51-8.1 is hereby amended by striking the name of Camden County from the list of counties to which said Section is applicable.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 95 CHAPTER 63

AN ACT TO AMEND CHAPTER 28 OF THE GENERAL STATUTES RELATING TO PUBLICATION OF NOTICE TO CREDITORS BY PERSONAL REPRESENTATIVES AND TO FILING FINAL SETTLEMENTS.

The General Assembly of North Carolina do enact:

G. S. 28-47, relating to administrator's notice to creditors, amended.

SECTION 1. G. S. 28-47 is hereby amended by adding at the end thereof the following:

Personal representatives are not required to publish the notices herein provided for when the deceased person did not own any real property or any interest in real property at the time of his death and the only assets of the estate consist of proceeds received for wrongful death.

G. S. Ch. 28, amended.
G. S. 28-121.1 enacted.

SEC. 2. Chapter 28 of the General Statutes is hereby amended by adding thereto a new Section immediately following Section 28-121, to be numbered 28-121.1, and reading as follows:

28-121.1. Final accounts; immediate settlement. The personal representative of a deceased person who did not own any real property or any interest in real property at the time of his death may file his final account for settlement at any time within one year after his appointment when the only assets of the estate consist of proceeds received for wrongful death.

Final account of administrators in wrongful death cases.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be effective July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 96 **CHAPTER 64**

AN ACT TO PLACE CLAY COUNTY UNDER THE PROVISIONS OF SUBCHAPTER IV OF CHAPTER 105 OF THE GENERAL STATUTES RELATING TO THE LISTING OF AUTOMOBILES FOR TAXES IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend G. S. 105-429 by inserting after the word "Chowan" and before the word "Currituck" in the third line of said Section the word "Clay,".

G. S. 105-429, relating to listing of automobiles for taxation, amended to apply to Clay County.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 97 **CHAPTER 65**

AN ACT TO REDUCE THE RATE OF INTEREST FROM EIGHT TO SIX PER CENT ON CERTAIN TAX SALE CERTIFICATES ISSUED BY CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the interest charged and accrued and subject to be now charged and collected, together with all future interest upon tax sale certificates owned and held for collection by the County of Clay for the years of 1940, 1941, 1942, and 1943 is hereby reduced to and fixed at the rate of six per centum (6%)

Rate of interest on certain tax sale certificates, Clay County, reduced.

per annum upon the entire amount of taxes, penalties, sheriff's or tax collector's costs until collected from the date of issue thereof instead of eight per cent (8%) per annum as now provided by law.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 132 **CHAPTER 66**

AN ACT AMENDING SECTION 47-43 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ACKNOWLEDGMENT AND EXECUTION OF INSTRUMENTS IN FACT.

The General Assembly of North Carolina do enact:

G. S. 47-43, amended.

G. S. 47-43.1, relating to execution and acknowledgment of instruments by attorneys in fact, enacted.

SECTION 1. Section 47-43 of the General Statutes of North Carolina is amended by adding at the end thereof the following: 47-43.1 When an instrument purports to be executed by parties acting through another by virtue of a power of attorney, it shall be sufficient if the attorney or attorney in fact signs such instrument either in the name of the principal by the attorney or attorney in fact or signs as attorney or attorney in fact for the principal; and if such instrument purports to be under seal, the seal of the attorney or attorney in fact shall be sufficient. For such instrument to be executed under seal, the power of attorney must have been executed under seal.

Prior instruments invalidated.

Pending litigation unaffected.

SEC. 2. All instruments executed prior to the effective date of this Act which satisfy the requirements of this Act, and are otherwise valid as to form and substance, shall be deemed sufficient and valid in law: *Provided*, that this Act shall not affect any litigation pending at the time of its ratification.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 186 **CHAPTER 67**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BATH, IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 66 of the Private Laws of 1921 is hereby amended to read as follows: **Ch. 66, Private Laws, 1921, amended.**

Section 1. The Charter of the Town of Bath is hereby amended in such manner and form as to fix and establish the boundary of said town as follows: **Corporate limits, Town of Bath.**

Beginning at the South end of King Street at present town line, and to run back East along creek shore for a distance of nine hundred feet, and then in a northward direction parallel with King Street for a distance of thirty-six hundred and twenty feet, and back westward for a distance of nine hundred feet, connecting with the present town line at the North end of King Street.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. **Conflicting laws repealed.**

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

H. B. 209 **CHAPTER 68**

AN ACT TO AMEND G. S. 18-25 AND CHAPTER 341 OF THE SESSION LAWS OF 1945, RELATING TO REWARDS FOR SEIZURE OF STILLS IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 18-25 is hereby amended by adding a paragraph at the end thereof to read as follows: **G. S. 18-25, relating to rewards for seizure of stills, amended to exempt Montgomery County.**

The provisions of this Section shall not apply to Montgomery County.

SEC. 2. Section 1 of Chapter 341 of the Session Laws of 1945 is amended by adding a new sentence at the end thereof to read as follows: **Ch. 341, Session Laws, 1945, as to fee for seizure of stills, Montgomery County, amended.**

The fee or reward herein provided for shall be in addition to any other compensation allowed by law to said sheriff.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. **Conflicting laws repealed.**

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of February, 1949.

S. B. 88 **CHAPTER 69**

AN ACT TO AMEND CHAPTER 57 OF THE PRIVATE LAWS OF 1929 RELATING TO LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Ch. 57, Private Laws, 1929, creating Leaksville Township Public School District, amended.

SECTION 1. Chapter 57 of the Private Laws of 1929 is hereby amended by inserting therein a new Section, to be numbered Sec. 10a, to follow immediately Section 10, and to read as follows:

Provisions of Act made applicable to redefined territory.

Sec. 10a. All of the provisions of this Chapter, including subsequent modifications, amendments, alterations, repeals, or changes, whether by general or special act, are hereby made applicable to all persons residing in the following territory:

Beginning on the South side of Buffalo Creek where said creek flows into Dan River; thence a straight line in a southeasterly direction to North Carolina Highway 87, formerly No. 54, to a point in front of J. L.'s Filling Station, formerly Carter's Filling Station; thence a straight line in a northeasterly direction to the South side of Fishing Creek where Fishing Creek flows into Dan River; thence up Dan River to the beginning.

Persons eligible to vote in Leaksville Township Public School District elections.

Any elector residing in the above described territory who is eligible to vote in any general county election and who possesses the qualifications required for voting in any Leaksville Township Public School District election is hereby declared to be eligible to register and vote in any election held in and for the Leaksville Township Public School District, whether said election is held for the election of trustees for said district or for submitting to the electors thereof the question of the levying of a special tax, the issuance of school bonds, or the borrowing of money for said district.

Establishment of polling places.

The Board of Commissioners of Rockingham County is hereby authorized, empowered, and directed to establish one or more polling places within the above described territory at which the qualified electors residing in said territory may cast their ballots on any election pertaining to the Leaksville Township Public School District.

Appointment of election officials.

Said board of commissioners shall also appoint such election officials and employees to attend said polling place or places as may be necessary or required for the holding of elections within the above described territory.

Special registration books.

Special registration books for the electors residing in the above described territory shall be furnished by said board of county commissioners and registration periods shall be held for the

registration of such electors. Registrars for such special registration shall be appointed by said board of county commissioners and paid out of county funds. Except when being used for registration or in connection with an election, such registration books shall remain in the care and custody of the Board of Commissioners of Rockingham County. Such registration books shall be used only for Leaksville Township Public School District elections, and registration thereon shall not constitute registration for any general or special county, township, or town election held in Rockingham County.

Appointment of registrars.

Custody and use of registration books.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 63

CHAPTER 70

AN ACT TO FIX THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 120 of the Public-Local Laws of 1919 is amended to read as follows:

Ch. 120, Public-Local Laws, 1919, amended.

Section 1. The members of the Board of County Commissioners of Martin County shall receive as compensation for their services ten dollars ($10.00) for each day or part of a day in which they are engaged upon the performance of their duties as such commissioners. They shall also receive mileage at the rate of five cents (5c) for each mile traveled while in the performance of their public duties.

Compensation of Board of County Commissioners, Martin County.

Travel allowance.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 64 **CHAPTER 71**

AN ACT TO AUTHORIZE THE NORTH CAROLINA HOSPITALS BOARD OF CONTROL TO DISPOSE OF SURPLUS REAL AND PERSONAL PROPERTY AT CAMP BUTNER UNDER PRESCRIBED RULES AND REGULATIONS.

The General Assembly of North Carolina do enact:

Camp Butner, disposition of surplus property authorized.

SECTION 1. The North Carolina Hospitals Board of Control is authorized and empowered to sell, lease, rent or otherwise dispose of surplus real property located at Camp Butner, under such rules and regulations as may be adopted jointly by the North Carolina Hospitals Board of Control and the Advisory Budget Commission: *Provided, however,* that all conveyances of real property shall fully comply with the provisions of Article 10, Chapter 143 of the General Statutes and in particular Sections 143-146; 143-147; 143-148; 143-149; 143-150; 143-151.

Application of State Highway and motor vehicle laws to roads, etc., at Camp Butner.

Penalty for violations.

SEC. 2. All the provisions of Chapter 20 of the General Statutes relating to the use of the highways of the State and the operation of motor vehicles thereon are hereby made applicable to the streets, alleys and driveways on the grounds of Camp Butner. Any person violating any of the provisions of said Chapter in or on such streets, alleys or driveways shall, upon conviction thereof, be punished as therein prescribed. Nothing herein contained shall be construed as in any way interfering with the ownership and control of such streets, alleys and driveways on said grounds as is now vested by law in the State Hospitals Board of Control.

Ownership and control of streets, etc., unaffected.

Rules and regulations for enforcement of provisions of Act.

SEC. 3. The North Carolina Hospitals Board of Control is authorized to make such rules and regulations and to adopt such ordinances, as it may deem necessary, to enforce the provisions of this Act and to carry out its true purpose and intent, for the better administration of the Camp Butner Hospital and any adjacent territory owned by it, and in particular may make ordinances and adopt rules and regulations dealing with and controlling the following subjects;

Streets, driveways, etc.

1. To regulate the use of streets, alleys, driveways, and to establish parking areas.

General welfare of residents.

2. To promote the health, safety and morals and general welfare of those residing on, occupying, renting or using any property or facilities within its limits, and those visiting and patronizing the hospital by:

Miscellaneous regulations.

a. Regulating the height, number of stories and size of buildings or other structures, the percentage of lot to be occupied, the size of yards and courts and other open spaces, the density of population, and the location and use of buildings, structures for trade, industry, residence or other purposes, to regulate mar-

kets, and prescribe at what place marketable products may be sold, and to condemn and remove all buildings, or cause them to be removed, at the expense of the owner, when dangerous to life, health or other property.

Public amusements, entertainments and recreations.

b. To prohibit, restrict and regulate theatres, carnivals, circuses, shows, parades, exhibitions of showmen and all other public amusements and entertainments and recreations.

Pool and billiard rooms and dance halls.

c. To regulate, restrict or prohibit the operation of pool and billiard rooms and dance halls.

Domestic animals.

d. To regulate and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, chickens, and other animals and fowl of every description.

Nuisances.

e. To prevent and abate nuisances whether on public or private property.

Recordation of ordinances and regulations.

SEC. 4. All ordinances, rules and regulations adopted pursuant to the authority of this Act shall be recorded in the proceedings of the North Carolina Hospitals Board of Control and printed copies shall be filed in the office of the Secretary of State, and available for distribution to persons requesting the same.

Violations of provisions of Act made misdemeanor.

SEC. 5. Any person, firm or corporation violating any of the provisions of this Act, or any ordinance, rule or regulation adopted pursuant thereto shall be guilty of misdemeanor and shall be punished by fine not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty (30) days or by both such fine and imprisonment.

Designation of special police officers.

SEC. 6. To enable the North Carolina Hospitals Board of Control to enforce the provisions of this Act and any rule or regulation adopted pursuant thereto, the said North Carolina Hospitals Board of Control is authorized to designate one or more special police officers who shall have the same powers as peace officers now vested in sheriffs and constables within the territory embraced by the Camp Butner Hospital site and any adjacent territory thereto owned or leased by the said North Carolina Hospitals Board of Control.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 106 CHAPTER 72

AN ACT TO FIX THE SALARY OF THE TAX SUPERVISOR AND TAX COLLECTOR FOR HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Salary of Tax Supervisor and Tax Collector, Haywood County.

SECTION 1. That, effective April 1st, 1949, the salary of the Tax Supervisor and Tax Collector for Haywood County be, and it is hereby, fixed at the sum of three thousand dollars ($3,000.00) per year, the same to be paid in equal monthly installments, which said sum shall be in addition to the salary or salaries of any assistant or assistants to be appointed by the Board of Commissioners of Haywood County and such salary or salaries fixed by it.

Conflicting laws repealed.

SEC. 2. That all public, public-local and private laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 107 CHAPTER 73

AN ACT TO FIX THE SALARY OF THE ASSISTANT CLERK OF THE SUPERIOR COURT OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Salary of Assistant Clerk of the Superior Court, Haywood County.

SECTION 1. That, effective as of April 1st, 1949, the salary of the Assistant Clerk of the Superior Court of Haywood County be, and it is hereby, fixed at the sum of one hundred and fifty dollars ($150.00) per month. Said salary shall be paid by Haywood County from the general fund of said county.

Conflicting laws repealed.

SEC. 2. That all public-local and private laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 111 CHAPTER 74

AN ACT AUTHORIZING THE CLERK OF THE SUPERIOR COURT OF WAKE COUNTY TO APPOINT THREE ASSISTANT CLERKS.

The General Assembly of North Carolina do enact:

Appointment of Assistant Clerks, Superior Court of Wake County.

SECTION 1. That the Clerk of the Superior Court of Wake County is hereby authorized to appoint three Assistant Clerks of the Superior Court of Wake County, if and when he deems it necessary, said appointments to be with the written approval of the Resident Judge of the Superior Court.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 138 CHAPTER 75

AN ACT TO REGULATE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Compensation of members of Board of County Commissioners, Macon County.

SECTION 1. That the Chairman and members of the Board of County Commissioners of Macon County shall each receive the sum of ten dollars ($10.00) per day and five cents (5c) per mile for each mile traveled in going to and from their residences to the place of meeting for attending each meeting of the board of county commissioners: *Provided, however,* that the chairman of said board of commissioners shall receive the sum of ten dollars ($10.00) per day and mileage for the time spent necessarily while employed in the discharge of his duties as such officer, but in no case shall the chairman or any member of said board receive pay for more than ten (10) days spent in the performance of their duties in any one calendar month.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 144 CHAPTER 76

AN ACT TO INCREASE THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF CHEROKEE COUNTY FOR THE PURPOSE OF PROVIDING CLERK HIRE.

The General Assembly of North Carolina do enact:

Salary of Clerk Superior Court, Cherokee County.

SECTION 1. That the Clerk of the Superior Court of Cherokee County shall receive in lieu of all fees, commissions and compensations, including his services as juvenile judge of said county, an annual salary of three thousand four hundred dollars ($3,400.00) to be paid in equal monthly installments and to be retroactive to January 1st, 1949; that out of the salary herein provided, the Clerk of the Superior Court of Cherokee County shall pay the salary of any clerk hire or assistance in said office.

Monthly accounts of fees collected.

SEC. 2. That all fees paid into the office of the Clerk of the Superior Court of Cherokee County shall be accounted for monthly and paid over to the county commissioners of said county to be deposited with the general county fund.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 145 CHAPTER 77

AN ACT TO CONFER JURISDICTION ON THE COUNTY COURT OF PITT COUNTY IN ALL CASES INVOLVING WORTHLESS CHECKS AS PROVIDED BY SECTION 14-107 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Ch. 681, Public-Local Laws, 1915, creating Pitt County Court, amended.

Jurisdiction in returned check cases conferred.

SECTION 1. Amend Section 4 of Chapter 681 of the Public-Local Laws of the Session of 1915 of the General Assembly of North Carolina by inserting after the comma following the word "to-wit" and before the word "carrying" in the fifth line of said Section 4 the following: "cases involving worthless checks if the amount due on the check is over fifty dollars ($50.00) as provided by Section 14-107 of the General Statutes."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 179 **CHAPTER 78**

AN ACT TO AMEND CHAPTER 343 OF THE PUBLIC LAWS OF 1929 RELATING TO THE ESTABLISHMENT OF DOMESTIC RELATIONS COURTS IN CERTAIN COUNTIES AND CITIES IN NORTH CAROLINA, SO AS TO INCLUDE GASTON COUNTY WITHIN ITS PROVISIONS.

The General Assembly of North Carolina do enact:

Ch. 343, Public Laws, 1929, relating to establishment of Domestic Relations Courts, amended to include Gaston County.

SECTION 1. Section 10 of Chapter 343 of the Public Laws of 1929 be, and the same is hereby, amended by striking out the word "Gaston" in line six of said Section, it being the intent and purpose of this amendment to make Subchapter IV of Chapter 7 of the General Statutes applicable to Gaston County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 187 **CHAPTER 79**

AN ACT TO AMEND SECTION 5 OF CHAPTER 266 OF THE SESSION LAWS OF 1947 RELATING TO THE COMPENSATION OF THE COUNTY ACCOUNTANT OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 266, Session Laws, 1947, amended.

SECTION 1. Section 5 of Chapter 266 of the Session Laws of 1947 is amended to read as follows:

Compensation of County Accountant, Yancey County, as tax collector.

Sec. 5. The County Accountant of Yancey County shall receive such compensation for his services as tax collector as may be fixed by the board of county commissioners of said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 197 CHAPTER 80

AN ACT TO AMEND G. S. 153-180 SO AS TO AUTHORIZE INCREASED FEES FOR JAILERS IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

G. S. 153-180, amended.

SECTION 1. G. S. 153-180 is amended by adding a new paragraph at the end thereof to read as follows:

Fees for jailer, Scotland County.

In Scotland County, the board of county commissioners is authorized to fix jailers' fees at any sum they may see fit, not to exceed one dollar ($1.00) per day for each prisoner.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 129 CHAPTER 81

AN ACT TO AMEND GENERAL STATUTES 28-68 RELATING TO PAYMENTS TO CLERKS OF THE SUPERIOR COURT OF SUMS NOT EXCEEDING THREE HUNDRED DOLLARS ($300.00) OWING INTESTATES BY EXTENDING THE APPLICATION THEREOF TO RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

G. S. 28-68, amended to provide for payment to C. S. C. of small sums due intestates, Richmond County.

SECTION 1. General Statutes 28-68, as amended, is hereby further amended by inserting the word "Richmond" at the end of the list of counties designated thereunder so that the provisions of said Section shall apply to Richmond County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 235 **CHAPTER 82**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BURNSVILLE, YANCEY COUNTY, NORTH CAROLINA, SO AS TO CHANGE CERTAIN CALLS IN THE DESCRIPTION OF THE TERRITORY INCLUDED WITHIN THE CORPORATE LIMITS OF SAID TOWN.

Preamble: Creation of Town of Burnsville, Yancey County.

WHEREAS, on the 18th day of February, 1922, at a meeting held in the office of the Attorney General of North Carolina, the Municipal Board of Control, created by G. S. 160-195 to G. S. 160-198, inclusive, created and established the Town of Burnsville in Yancey County; and

Desire to change call in description of territory incorporated in town.

WHEREAS, it is now desirable to change a certain call in the description of the territory incorporated into said town: *Now, therefore,*

The General Assembly of North Carolina do enact:

Description of boundaries, Town of Burnsville, amended.

SECTION 1. The eighth call in the description of the boundaries of the Town of Burnsville as it appears on file in the office of the Secretary of State of North Carolina is amended to read as follows: "thence a southerly direction along and with the East side of the public road which leads to the Concord Settlement about 110 poles to the top of the Furgeson Hill;".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 284 **CHAPTER 83**

AN ACT TO AMEND GENERAL STATUTES 14-359 SO AS TO MAKE THE SAME APPLICABLE TO HOKE COUNTY.

The General Assembly of North Carolina do enact:

G. S. 14-359, relating to landlords and tenants, amended to apply to Hoke County.

SECTION 1. That General Statutes 14-359 be amended by adding at the end of the list of counties named therein the following: "Hoke County."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of February, 1949.

H. B. 102 CHAPTER 84

AN ACT PERMITTING THE CITY OF SALISBURY TO SELL CERTAIN LAND TO ROWAN COUNTY AS A SITE FOR A PUBLIC SCHOOL.

The General Assembly of North Carolina do enact:

Sale of certain land by City of Salisbury to Rowan County for public school site.

SECTION 1. That the City of Salisbury, through its city council, be, and it is hereby, authorized and empowered to sell to Rowan County at a private sale, without advertisement or competitive bidding, as a site for a public school, all or part of that certain tract of land now owned by said city and located on Mahaley Avenue, containing approximately nine and one-half acres, and being a part of the former Rowan Development Company property.

Sale of certain lots for school purposes.

SEC. 2. That the said city be, and it is hereby also, authorized to sell to said Rowan County, for school purposes, at a private sale, without advertisement or competitive bidding, certain lots on Elm Street owned by said city and being known as the Tarrh lot and the Busby lots.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 119 CHAPTER 85

AN ACT RELATING TO THE SERVICE OF SUMMONS FOR PUBLICATION IN ACTIONS OR ANNULMENT OF MARRIAGE.

The General Assembly of North Carolina do enact:

G. S. 1-98, amended to allow service by publication in action for annulment of marriage.

SECTION 1. That Chapter 1, Section 98, of the General Statutes be amended by adding a new Subsection at the end of Subsection (8) to be known as Subsection (9) as follows:

"(9) Where the action is for annulment of marriage."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 206 **CHAPTER 86**

AN ACT AUTHORIZING THE TOWN COUNCIL OF FAIRMONT TO PLACE ALL TAXES HEREAFTER COLLECTED FOR 1945 AND PRIOR YEARS IN THE GENERAL FUND OF SAID TOWN.

The General Assembly of North Carolina do enact:

Certain delinquent tax collections payable into general fund, Town of Fairmont.

SECTION 1. The Town Council of the Town of Fairmont is hereby authorized to place all taxes hereafter collected for the year 1945 and prior years in the general fund of said town and expend the same as a part of said general fund.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 219 **CHAPTER 87**

AN ACT VALIDATING CERTAIN DEEDS EXECUTED IN FOREIGN STATES.

The General Assembly of North Carolina do enact:

Certain deeds executed in foreign states where seal omitted, validated.

SECTION 1. That all deeds to lands in North Carolina, executed prior to January 1, 1919, without seal attached to the maker's name, which deeds were acknowledged in another state, the laws of which do not require a seal for the validity of the conveyance, and which deeds have been duly recorded in this State, shall be as valid to all intents and purposes as if the same had been executed under seal.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Pending litigation unaffected.

SEC. 4. This Act shall not apply to pending litigation.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 224 CHAPTER 88

AN ACT RATIFYING THE ACTION OF THE PENDER COUNTY BOARD OF COMMISSIONERS IN APPROPRIATING ONE THOUSAND DOLLARS ($1000) TO CONSTRUCT AN AMERICAN LEGION HUT IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Appropriation by Pender County Commissioners for American Legion Hut validated.

SECTION 1. The actions of the Board of County Commissioners of Pender County in appropriating, on the 27th day of August 1948, the sum of one thousand dollars ($1000) to aid in the construction of the American Legion Hut in said county is hereby fully approved and ratified and such actions are as binding as if this Act had been passed prior to the date of such appropriation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 231 CHAPTER 89

AN ACT TO AMEND G. S. 160-238, RELATING TO FIRE PROTECTION OUTSIDE OF CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

G. S. 160-238, relating to fire protection for property outside city limits, amended.

SECTION 1. Amend Section 160-238 of the General Statutes, as amended, by rewriting the second paragraph thereof as the same appears in the Cumulative Supplement of 1947 to the General Statutes of North Carolina so that said second paragraph thereof shall read as follows:

Provisions Workmen's Compensation Act, etc., extended to duties performed outside corporate limits.

"Any employee of a municipal fire department, while engaged in any duty or activity in connection with the provisions of this Section, or pursuant to orders or instructions from his officers or superiors, shall have the same rights under the Workmen's Compensation Law, and shall be entitled to all such other rights, privileges, exemptions and immunities, as if such duty or activity were performed within the corporate limits of the municipality by which he was employed; and all such employees shall be entitled to all such rights, privileges, immunities and exemptions, irrespective of where such duties or activities are performed. In authorizing or permitting its fire department to answer fire calls outside the twelve-mile limit, and in answering such calls, the

municipality and its employees in the fire department shall be considered as acting in a governmental capacity."

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 271 CHAPTER 90

AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF NEWTON, NORTH CAROLINA, UPON THE QUESTION OF ADOPTING THE CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the City of Newton shall within one year from the date of the ratification of this Act call a special election, as provided in Sections 160-353 through 160-363, inclusive, of the General Statutes of North Carolina, for the purpose of submitting to the qualified voters of the City of Newton the following amendment to the city charter: Special election on amendment to charter, City of Newton.

"(a) The Charter of the City of Newton, Catawba County, be and the same is hereby amended by adding thereto the following: The board of aldermen shall appoint a city manager who shall be the administrative head of the city government and shall be responsible for the administration of all departments of the city government. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the board of aldermen and shall receive such compensation as it shall fix by ordinance. Amendment to provide for city manager form of government.

"The city manager so appointed shall have all the powers, duties, and responsibilities as prescribed for city managers under the Plan 'D' as outlined in Section 160-349 of the General Statutes, except the right to appoint the city attorney and the city auditor, which remains with the board of aldermen."

SEC. 2. At the time of holding the special election hereinabove provided for, the question of the adoption of this amendment to the Charter of the City of Newton shall be submitted to the qualified voters of the city at said election. Those voters who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Amendment Providing for City Manager Form of Government," and Question submitted. Form of ballot.

those voters who are opposed to the adoption of such form of government shall vote a ballot upon which shall be printed or written the words "Against Amendment Providing for City Manager Form of Government." If at said election a majority of the votes cast shall be "For Amendment Providing for City Manager Form of Government" the said amendment shall be adopted and become a part of the Charter of the City of Newton, and shall become effective at the beginning of the next municipal fiscal year subsequent to the declaration of the result of said election. If a majority of the votes cast shall be "Against Amendment for City Manager Form of Government," said amendment shall be null and void and shall not become a part of the Charter of the City of Newton.

Amendment adopted in event of majority vote therefor.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act to the extent of said conflict are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 272 CHAPTER 91

AN ACT TO AMEND SECTION 3 OF CHAPTER 39 OF THE PRIVATE LAWS OF 1907 RELATING TO THE ELECTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF NEWTON.

The General Assembly of North Carolina do enact:

Ch. 39, Private Laws, 1907, amended.

SECTION 1. That Section 3 of Chapter 39 of the Private Laws of 1907 of North Carolina is hereby amended to read as follows:

Biennial election of Mayor, Town of Newton.

"Sec. 3. The Mayor of the Town of Newton shall, at the next city election (1949) and biennially thereafter, be elected for a term of two years. The mayor elected at the next election shall serve for a period of two years and until his successor is elected and qualified, and each mayor elected biennially thereafter shall serve for a term of two years.

Election of aldermen.

At the regular municipal election to be held for the year of 1949 there shall be elected three aldermen to succeed those whose term expires at that time, who shall serve for a term of four years, and until their successors are elected and qualified.

At the regular municipal election to be held for the year of 1950 there shall be elected three aldermen to succeed those whose term expires at the time who shall serve for a term of one year and until their successors are elected and qualified.

At the regular municipal election to be held for the year of 1951 and biennially thereafter there shall be elected three aldermen who shall serve for a term of four years and until their successors are elected and qualified."

Governing body.

SEC. 2. All of said officers shall serve during their respective terms and until their successors have been duly elected and qualified, and the mayor and board of aldermen as herein constituted shall constitute the governing body of the City of Newton.

Notice of candidacy for office of mayor and aldermen.

Filing fee.

SEC. 3. That all persons desiring to become a candidate for the officer of mayor or aldermen shall give notice to the city clerk of such fact by filing with said clerk a notice of candidacy at least seven days prior to said election and shall pay a filing fee, the amount of which shall be fixed by the board of aldermen, but not to exceed $5.00.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 273 CHAPTER 92

AN ACT TO AMEND SECTION 1 OF CHAPTER 39 OF THE PRIVATE LAWS OF 1907 RELATING TO THE NAME OF THE TOWN OF NEWTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

"Town of Newton" changed to "City of Newton."

SECTION 1. That the name of the municipality known as the "Town of Newton," Catawba County, North Carolina, as set forth in Section 1 of Chapter 39 of the Private Laws of 1907 be changed to "City of Newton," and that henceforth the official name of said municipality shall be the "City of Newton."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. B. 282 **CHAPTER 93**

AN ACT TO AMEND SECTION 1 OF ARTICLE 7 OF CHAPTER 28 OF THE PRIVATE LAWS OF 1925 SO AS TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE PUBLIC WORKS COMMISSION OF THE CITY OF FAYETTEVILLE BY A MAJORITY VOTE OF THE CITY COUNCIL.

The General Assembly of North Carolina do enact:

Ch. 28, Private Laws, 1925, amended as to election of public works commission, City of Fayetteville.

SECTION 1. Section 1 of Article 7 of Chapter 28 of the Private Laws of 1925 is hereby amended by striking out the words "a two-thirds" in line 11 and inserting in lieu thereof the words "only a majority".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

S. B. 68 **CHAPTER 94**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY TO FIX THE SALARY OF THE SHERIFF OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Salary of Sheriff, Rockingham County.

SECTION 1. The Board of County Commissioners of Rockingham County is hereby empowered, in its discretion, to set or fix the salary of the Sheriff of Rockingham County at such figure or amount as to it may seem just and proper.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

S. B. 74 **CHAPTER 95**

AN ACT TO AMEND CHAPTER 426 OF THE SESSION LAWS OF 1943, RELATING TO THE COMPENSATION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF WARRENTON.

The General Assembly of North Carolina do enact:

Ch. 426, Session Laws, 1943, amended to increase compensation of commissioners, Town of Warrenton.

SECTION 1. Section 1 of Chapter 426 of the Session Laws of 1943 is hereby amended by striking out in line 15 of said Section the words and figures "five dollars ($5.00)" and inserting in lieu thereof the words and figures "ten dollars ($10.00)".

Compensation for special meetings increased.

SEC. 2. Section 1 of Chapter 426 of the Session Laws of 1943 is hereby amended by striking out in lines 16 and 17 of said Section the words and figures "four dollars ($4.00)" and inserting in lieu thereof the words and figures "five dollars ($5.00)".

Compensation of mayor increased.

SEC. 3. Section 1 of Chapter 426 of the Session Laws of 1943 is hereby amended by striking out in line 23 of said Section the words and figures "seventy-five dollars ($75.00)" and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)".

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

S. B. 81 **CHAPTER 96**

AN ACT TO AUTHORIZE AND DIRECT THE TREASURER OF THE CITY OF THOMASVILLE TO REFUND CERTAIN AMOUNTS OF MONEY STOLEN FROM A SAFE IN THE OFFICE OF THE CHIEF OF POLICE OF SAID CITY TO THE PERSONS ENTITLED THERETO.

Preamble: Funds stolen from office of Chief of Police, City of Thomasville.

WHEREAS, on or about the 14th day of March, 1947, certain sums of money, as set out hereinafter, were stolen from the safe located in the Office of the Chief of Police of the City of Thomasville; and

Money on deposit with City.

WHEREAS, said money was deposited by the persons hereinafter named with employees of the City of Thomasville, for the purposes hereinafter set forth; and

Money cannot be recovered.

WHEREAS, that after due and diligent investigation and search by the law enforcement bodies of the City of Thomasville,

Davidson County, and the State Bureau of Investigation, said money so stolen cannot be recovered: *Now, therefore,*

The General Assembly of North Carolina do enact:

Reimbursement for monies stolen authorized.

SECTION 1. The City Treasurer of the City of Thomasville is hereby authorized and directed to pay to the following named persons, or their heirs and assigns, the amounts of money set opposite their respective names:

Itemized statement of reimbursements.

NAME	AMOUNT	REASON FOR DEPOSIT
J. D. Ross	$2,000.00	Cash collateral
Cyrus Bob Mullis	1,000.00	Cash bond
E. L. Sparks	200.00	Cash bond
Rex Byron Stafford	130.00	Cash bond
Edgar White	100.00	Cash bond
Hezekiah Baxter	50.00	Cash bond
William B. Oliver	25.00	Cash bond
Ruth Beck	10.00	Alimony
Arlie Gray Bean	45.00	Alimony
Vivian Kanoy	25.00	Alimony
Rosale Martin	15.00	Alimony
Edith Watson	20.00	Alimony
Gladys Bailey	62.00	Alimony
L. C. Everhardt	150.00	Alimony
Donald C. Frank	5.00	Citation
Fred D. Wright	5.00	Citation
Ray S. Smith	5.00	Citation
William McGill	1.50	Parking ticket
Luther Byerly	1.50	Parking ticket
Robt. E. Sterling	1.50	Parking ticket
Marshall May	3.00	Cash ticket

Receipt for payments made.

SEC. 2. The City Treasurer of the City of Thomasville, upon paying out said money as set forth herein, shall receive a receipt from said persons receiving same, and in the event said money or any part of same is ever recovered, said money shall be the sole property of the City of Thomasville.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

S. B. 120 **CHAPTER 97**

AN ACT TO TRANSFER CERTAIN ASSETS TO THE GENERAL FUND OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All delinquent taxes due Catawba County, which have been due and payable for two or more years, shall, when collected, and on the date of said collection, together with the penalties and cost accrued, be paid into the General Fund of Catawba County.

Delinquent tax collections, Catawba County, payable to general fund.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be retroactive to the beginning of the fiscal year 1948-49 and shall continue in full force and effect thereafter.

Act to be retroactive.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 56 **CHAPTER 98**

AN ACT TO PROHIBIT THE KEEPING IN CAPTIVITY OF BEARS IN SWAIN COUNTY. (AND JACKSON COUNTY).

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm, association, group of individuals or corporation to keep in captivity any bear for any purpose whether such captivity be by means of cage, chain or any other means. Any violation of this Act is declared to be a misdemeanor and upon plea of guilty or conviction the offender shall be fined the sum of one hundred dollars ($100.00) and the cost of the prosecution.

Keeping of bears in captivity prohibited, Swain and Jackson Counties.

Violations made misdemeanor.

SEC. 2. This Act shall apply only to Swain and Jackson Counties.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after May 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 104 **CHAPTER 99**

AN ACT TO REGULATE AND FIX THE PENALTIES AND DISCOUNTS FOR NONPAYMENT OF TAXES IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Due date of taxes levied by Martin County and political subdivisions.

SECTION 1. All taxes assessed or levied by Martin County or by any city, town, special district, or other political subdivision of Martin County in accordance with the provisions of existing tax laws, shall be due and payable on the first Monday in October of the year in which they are so assessed or levied, and if actually payed in cash:

Period during which taxes payable at par.

(1) After the first day of October and on or before the first day of January next after due and payable, the tax shall be paid at par or face value.

Schedule of penalties.

(2) After the first day of January and on or before the first day of February next after due and payable, there shall be added to the tax interest of one per cent (1%).

(3) After the first day of February and on or before the first day of March next after due and payable, there shall be added to the tax interest of two per cent (2%).

(4) On and after the second day of March the interest shall be, in addition to said two per cent (2%), one-half of one per cent (½ of 1%) per month, or fraction thereof, until paid, from said day on the principal amount of such taxes, which shall continue to accrue on taxes not included in a certificate of sale and which, on taxes included in a certificate of sale, shall continue to accrue until the date of such certificate.

Prepayment of taxes.

(5) Should any taxpayer desire to make a prepayment of his taxes between August first and October first of any year, he may do so by making payment to the Tax Collector of Martin County or city accountant, city clerk, or treasurer, as the governing body of the various political subdivisions, cities or towns of Martin County may determine, and shall be entitled to the following discount:

Discounts for prepayments.

If paid before September first, a deduction of two per cent (2%); if paid during the month of September, a deduction of one per cent (1%); if paid during the month of October, a deduction of one-half of one per cent (½ of 1%); if paid during the months of November and December par.

Application of Act.

SEC. 2. This Act shall apply to Martin County only.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 196 **CHAPTER 100**

AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES AND STREET ASSESSMENTS IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. When it shall appear to the satisfaction of the Board of Commissioners of the City of Hendersonville that any real property within the city has been assessed for taxes at an excessive valuation, and on which there is outstanding delinquent taxes, for year 1945 and prior years, the said board is hereby authorized and empowered to make such reduction in the taxes, penalties and costs due the city as in the judgment of said board is fair and just, and will best subserve the interest of the city. Adjustment of delinquent taxes, City of Hendersonville.

SEC. 2. When it shall appear to the satisfaction of the board of commissioners of said city that any property within the city is subject to street assessments, the aggregate of which then unpaid, due and to become due, exceeds fifty per cent (50%) of the fair value of said property as found by the board, and on which there are outstanding installments unpaid, said board is hereby authorized and empowered to make such reduction on installments past due and unpaid, or to become due, as in the judgment of said board is fair and just, and will best subserve the interest of the city. Adjustment of street assessments.

SEC. 3. That any and all settlements heretofore made by the Commissioners of the City of Hendersonville, with taxpayers wherein reductions have been allowed in taxes or paving assessments, or both, be and the same are hereby in all respects ratified and confirmed. Prior adjustments ratified.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 230 CHAPTER 101

AN ACT TO AMEND G. S. 115-374 RELATING TO TRANSPORTATION ON SCHOOL BUSES.

The General Assembly of North Carolina do enact:

G. S. 115-374, amended.

SECTION 1. G. S. 115-374, as amended, is hereby further amended by inserting between the words "school day" and the word "provided" in line 31 of said Section, the following:

Transportation of teachers on school busses.

"and to the transportation of accredited teachers in the public school system on active duty while going to and from school in the discharge of their duties for the regularly organized school day: Provided, that no routing or schedule of school buses shall be arranged or altered to accommodate any such teacher, no teacher shall displace any pupil in the seating arrangements on such bus, and no teacher shall have or exercise any official duty or responsibility while so riding on any such bus, and the bus driver shall retain all legal authority and responsibility granted or imposed on such driver; provided further, that any teacher availing himself or herself of such transportation shall be deemed to have assumed all risks incident thereto, and the State of North Carolina shall not be held in any way responsible or liable for any injury or damage resulting from the transportation of any such teacher."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 239 CHAPTER 102

AN ACT RELATING TO THE FEES OF THE JAILER OF THE TOWN OF HAMLET, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Fees of jailer, Town of Hamlet.

SECTION 1. The Jailer of the Town of Hamlet, Richmond County, North Carolina, shall receive a fee for the admission and release of prisoners to and from the town jail of said town in an amount to be fixed by the governing body of the Town of Hamlet not to exceed the sum of one dollar ($1.00) for each prisoner.

SEC. 2. For furnishing each prisoner with a sufficient amount of food, water and necessary attendance, the Jailer of the Town of Hamlet shall receive for each prisoner an amount not to ex-

ceed one dollar ($1.00) per day to be fixed by the governing body of said town.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 247 CHAPTER 103

AN ACT TO AMEND SECTION 160-200 (25) OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO ENABLE THE MUNICIPALITIES TO QUALIFY FOR PARTICIPATION IN THE FEDERAL SOCIAL SECURITY ACT IF AND WHEN THE CONGRESS OF THE UNITED STATES EXTENDS ITS PROVISIONS TO INCLUDE MUNICIPAL EMPLOYEES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 160-200 (25) of the General Statutes of North Carolina by adding the following at the end thereof: "If and when the Congress of the United States amends the Federal Social Security Act so as to extend its provisions to include municipal employees, each municipality is hereby authorized to take such action or to appropriate such funds as are necessary to enlist their employees therein." G. S. 160-200, prescribing corporate powers of municipalities, amended.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 251 CHAPTER 104

AN ACT TO EXTEND THE TIME FOR THE ALAMANCE COUNTY BOARD OF EQUALIZATION AND REVIEW TO COMPLETE ITS WORK IN 1949.

WHEREAS, the year 1949 is revaluation year, and the County of Alamance is revaluing and equalizing all property values in said county during the year 1949; and Preamble: Revaluation and equalization of property values, Alamance County.

WHEREAS, it is deemed impossible for the Alamance County Board of Equalization and Review to complete its duties by the fourth day of April, 1949, as it is required to do under Section Impossible to complete work in allotted time.

105-327, Subsection five, of the General Statutes of North Carolina; and

Necessity for additional time.

WHEREAS, it is necessary for the Alamance County Board of Equalization and Review to have additional time within which to complete its duties in the year 1949: *Now, therefore,*

The General Assembly of North Carolina do enact:

Extension of time to Alamance County Board of Equalization and Review for completion of work.

SECTION 1. The Alamance County Board of Equalization and Review shall hold its first meeting on the eleventh Monday following the first day of January, 1949, and it may adjourn from time to time as its duties may require, and it shall be allowed until the thirty-first day of July, 1949, to complete its duties as such board of equalization and review, and it shall complete its duties as such board not later than the thirty-first day of July, 1949.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 252 CHAPTER 105

AN ACT TO PUT TAX SALES IN ALAMANCE COUNTY UNDER THE GENERAL LAW OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Sale of tax liens on real property, Alamance County.

SECTION 1. That the Tax Collector of Alamance County shall on the first Monday in April of each year, report a list of all taxpayers owing taxes for the current year, which are liens on real property, and the Board of County Commissioners of Alamance County shall thereupon order a sale of the tax liens on said real property of said taxpayers, to be held at one of the times hereinafter prescribed.

Date of sales.

SEC. 2. The said sales shall be held on the first Monday in May, or on the first Monday in any of the four succeeding months, as is provided by the General Law applicable to tax sales in North Carolina. Failure to hold said sale within the time prescribed shall not affect the validity of the taxes or the tax liens, nor the validity of the sale when thereafter held.

Validity of taxes, liens and tax sales unaffected by delay in sale.

Application of General Law to sales.

SEC. 3. The said sales shall be advertised and conducted in the same manner as is provided for such sales by the General Law in effect at the time of such sales.

Conflicting laws repealed.

SEC. 4. The provision of Public-Local Laws of North Carolina of 1935, Chapter 514, setting the first Monday in January as the

time for holding such tax sales, and all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. B. 254 **CHAPTER 106**

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF CASWELL COUNTY TO CONVEY THE OLD PELHAM GRADED SCHOOL LOT TO PELHAM METHODIST CHURCH.

The General Assembly of North Carolina do enact:

Sale of Pelham Graded School lot, Caswell County.

SECTION 1. That the Board of Education of Caswell County is hereby authorized to sell and convey the Old Pelham Graded School lot at Pelham, North Carolina, to the Pelham Methodist Church of Pelham.

Consideration for conveyance.

SEC. 2. That the consideration for the said conveyance shall be the assumption of that lien of five hundred dollars ($500.00) on the said lot arising out of a contract or trust agreement by the Board of Trustees of the Pelham Graded School with Jas. O. Fitzgerald, his heirs and assigns, dated September 1, 1922, providing for the payment of the sum of five hundred dollars ($500.00) from the proceeds derived from the sale of said lot at such time as it might be sold.

Conveyance subject to liens of record.

SEC. 3. That the conveyance shall be subject to all liens of record.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

S. B. 24 CHAPTER 107

AN ACT TO AMEND G. S. 1-180, RELATING TO THE CHARGE OF A JUDGE TO THE JURY IN THE TRIAL OF CIVIL AND CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

G. S. 1-180, relating to charge of judge to the jury in trial of civil and criminal actions, amended.

SECTION 1. G. S. 1-180 is hereby amended by rewriting the Section to read as follows:

"G. S. 1-180. Judge to explain law, but give no opinion on facts. . . No judge, in giving a charge to the petit jury, either in a civil or criminal action, shall give an opinion whether a fact is fully or sufficiently proven, that being the true office and province of the jury, but he shall declare and explain the law arising on the evidence given in the case. He shall not be required to state such evidence except to the extent necessary to explain the application of the law thereto; provided the judge shall give equal stress to the contentions of the plaintiff and defendant in civil action, and to the State and defendant in criminal action."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

S. B. 97 CHAPTER 108

AN ACT TO AMEND CHAPTER 39 OF THE PRIVATE LAWS OF 1907 SO AS TO DEFINE THE SOUTHWEST BOUNDARY OF THE TOWN OF NEWTON IN THE COUNTY OF CATAWBA.

The General Assembly of North Carolina do enact:

Ch. 39, Private Laws, 1907, amended.

SECTION 1. That Section 2, Chapter 39 of the Private Laws of Session 1907, fixing the corporate limits of the Town of Newton in the County of Catawba be amended by redefining the present corporate limits of the southwest boundary of the Town of Newton, so that said boundary shall be defined as follows:

Corporate limits, southwest boundary, Town of Newton, redefined.

Beginning at an iron stake, which stake is located on the present boundary of the Town of Newton due North 1485 feet from the monument in an open field of the George Setzer estate, and due South 9075 feet from the northwestern corner of the Town of Newton, or monument in Caleb Setzer's woods, and running thence S. 87° 45′ E. 775 feet to a corner in the center of

the new State Highway No. 321 by-pass, and running along the center of said highway in a southeasterly direction 525 feet to a corner in the center of said highway; thence continuing along the center of said highway S. 26° 45′ E. 846 feet to a corner in the middle of said highway at the branch; thence continuing the same course 215 feet to a corner in the middle of said highway on the present South boundary of the Town of Newton, said stake being located due East 1485 feet from the monument in the open field of the George Setzer estate; thence East with the present established boundaries of the Town of Newton.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 86 **CHAPTER 109**

AN ACT TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS TO EXTEND THE TIME FOR QUADRENNIAL ASSESSMENTS FOR TAXATION.

The General Assembly of North Carolina do enact:

SECTION 1. That General Statutes 105-278, as amended by Chapter 50 of the Session Laws of 1947 be, and the same hereby is, further amended by adding at the end of said Section the following: "Provided, further, that the boards of commissioners of the various counties of the State may, in their discretion, defer or postpone revaluation and reassessment of real property for the years 1949 and 1950. Whenever revaluation is had, same may be by horizontal increase or reduction or by actual appraisal thereof, or both." G. S. 105-278, amended. Extension of time for quadrennial assessment for taxation. Methods of revaluation.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

S. B. 101 **CHAPTER 110**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROCKINGHAM COUNTY TO FIX THE SALARY OF THE RECORDER AND SOLICITOR OF LEAKVILLE TOWNSHIP RECORDER'S COURT, TO RAISE THE FEES PAID JURORS SERVING IN SAID COURT, AND TO PROVIDE FOR THE TRANSFER OF CASES.

The General Assembly of North Carolina do enact:

Ch. 636, Public-Local Laws, 1937, amended.

SECTION 1. Section 1 of Chapter 636 of the Public-Local Laws of 1937 is hereby rewritten to read as follows:

Salary of Recorder and Solicitor, Leaksville Township Recorder's Court.

"Section 1. That Section 1 of Chapter 52 of the Public-Local Laws of 1929 is hereby amended to read as follows: 'That the salary of the Recorder and the Solicitor of Leaksville Township Recorder's Court shall be fixed by the Board of Commissioners of Rockingham County.'"

SEC. 2. Section 2 of Chapter 636 of the Public-Local Laws of 1937 is hereby repealed.

Ch. 52, Public-Local Laws, 1929, amended as to salary of Solicitor.

SEC. 3. Section 2 of Chapter 52 of the Public-Local Laws of 1929 is hereby amended by striking out the words "not to exceed twelve hundred dollars per annum" in lines 10 and 11 of said Section.

Territorial jurisdiction of Recorder's Courts of Reidsville and Leaksville Township extended.

SEC. 4. Any criminal action arising outside of Reidsville Township and outside of Leaksville Township which would, except for the fact that it arose outside of said townships, be within the jurisdiction of the Reidsville Recorder's Court or the Leaksville Township Recorder's Court, shall, upon motion of the defendant or defendants, be transferred for trial to the Reidsville Recorder's Court or the Leaksville Township Recorder's Court, whichever court is designated in the motion of the defendant or defendants, instead of to the Superior Court; and said defendant or defendants, upon his or their demand, shall have the benefit of a jury trial the same as any other defendant who is brought before said court.

Right of jury trial.

Ch. 327, Public-Local Laws, 1941, amended.

SEC. 5. Rewrite Section 2 of Chapter 327 of the Public-Local Laws of 1941 to read as follows:

"'Sec. 2. Amend Section 3 of Chapter 335 of the Public-Local Laws of 1931 by striking out all of said Section after the word "tax" in line 4 and inserting in lieu thereof the following:

Fees of jurors, Leaksville Township Recorder's Court.

"'All sums collected from this source shall be kept by the clerk in a special jury fund from which there shall be paid to each juror serving as such the sum of two dollars ($2.00) for each case in which said juror may serve and all jurors drawn from the jury box and who appear in court pursuant to summons and do not serve shall receive the sum of one dollar ($1.00). That in all cases upon demand of the defendant in a criminal

Drawing of jury.

action or upon motion of the recorder or upon demand of the plaintiff or defendant in a civil action, there shall be drawn from the jury box of Leaksville Township twelve names from which the panel shall be chosen of six jurors. Six jurors shall compose the jury when demanded in all criminal and civil cases within the recorder's jurisdiction.' "

Jury panel.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 123 CHAPTER 111

AN ACT TO AMEND G. S. 153-10, RELATING TO THE AUTHORITY OF COUNTY COMMISSIONERS TO INTERDICT CERTAIN SHOWS.

The General Assembly of North Carolina do enact:

SECTION 1. The last sentence of G. S. 153-10 is hereby amended by inserting between the word "Haywood" and the word "Iredell" the word "Harnett".

G. S. 153-10, amended to interdict certain shows, Harnett County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 155 CHAPTER 112

AN ACT TO FACILITATE THE APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS IN CAPITAL CASES.

The General Assembly of North Carolina do enact:

SECTION 1. When any person is bound over to the Superior Court to await trial for an offense for which the punishment may be death, the Clerk of the Superior Court in the county shall, if he believes that the accused may be unable to employ counsel, within five days notify the resident judge of the district or any Superior Court judge holding the courts of the dis-

Appointment of counsel for indigent defendents in capital cases.

trict and request the immediate appointment of counsel to represent the accused. If the judge is satisfied that the accused is unable to employ counsel, he shall appoint counsel to represent the accused as soon as may be practicable. He may appoint counsel at any time regardless of whether notified by the clerk and before preliminary examination.

Continuance of case where appointment of counsel delayed.

In any capital case where the appointment of counsel is delayed until the term of court at which the accused is arraigned, on motion of counsel for the accused the case shall be continued until the next ensuing term of criminal court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 127 CHAPTER 113

AN ACT RATIFYING THE ADJUSTMENT AND SETTLEMENT OF TAXES BARRED BY GENERAL STATUTES 105-422.

The General Assembly of North Carolina do enact:

Adjustment and settlement of delinquent taxes, Halifax County, ratified.

SECTION 1. The actions of the Halifax County Board of Commissioners in adjusting and making settlement of delinquent taxes, the tax lien of which was barred by General Statutes 105-422, are hereby ratified and fully approved.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 195 CHAPTER 114

AN ACT TO AMEND SECTION 105-345 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PREPAYMENT OF TAXES SO THAT THE SAME SHALL NOT APPLY TO THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Hendersonville exempt from provisions of G. S. 105-345 (6), discounts for prepayment of taxes.

SECTION 1. The provisions contained in Subsection 6 of Section 105-345 of the General Statutes of North Carolina shall not apply to the City of Hendersonville.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 201 CHAPTER 115

AN ACT TO REPEAL SECTION 32 OF CHAPTER 225 OF THE PRIVATE LAWS OF 1927, RELATING TO THE TOWN CHARTER OF THE TOWN OF NEWPORT, CARTERET COUNTY, NORTH CAROLINA, SO AS TO PLACE SAID TOWN UNDER THE PROVISIONS OF THE MUNICIPAL FINANCE ACT OF 1921.

The General Assembly of North Carolina do enact:

Ch. 225, Private Laws, 1927, amended.

SECTION 1. Section 32 of Chapter 225 of the Private Laws of 1927, relating to the power of the Board of Commissioners of the Town of Newport, Carteret County, to levy taxes and to limit the tax rate of said town, is hereby repealed.

Town of Newport placed under provisions of Municipal Finance Act, 1921.

SEC. 2. The intent and purpose of this Act is to place the Town of Newport under the provisions of Subchapter III of Chapter 160 of the General Statutes of North Carolina, known as "The Municipal Finance Act, 1921."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 245 CHAPTER 116

AN ACT TO AMEND CHAPTER 332 OF THE PRIVATE LAWS OF 1913, RELATING TO THE CHARTER OF THE CITY OF HENDERSON IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 332, Private Laws, 1913, amended as to election of aldermen, City of Henderson.

SECTION 1. Section 3 of Chapter 332 of the Private Laws of 1913 is hereby amended by striking out in lines five, six and seven of said Section the words "one to be elected on the first Tuesday in May of each year by the qualified voters of their respective wards" and inserting in lieu thereof the following: "one alderman to be a resident of each of the wards of the city to be elected on the first Tuesday in May of each year by the qualified voters of the whole city."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 281 CHAPTER 117

AN ACT RELATIVE TO INSOLVENT AND UNCOLLECTIBLE AD VALOREM AND POLL TAXES DUE THE TOWN OF CANTON FOR THE YEARS 1937 TO 1945, INCLUSIVE.

Preamble: Uncollected taxes, 1937-1945, Town of Canton.

WHEREAS, there is less than one-fourth of one per cent (1%) of the taxes levied for the years 1937 to 1945, inclusive, by the Town of Canton that remain uncollected, and that practically all of the uncollected taxes are on personal property and polls and cannot be collected; and

Expense involved in enforcement of collection.

WHEREAS, the bookkeeping, auditing, and other services necessarily rendered by the tax department in connection with said taxes for said years are expensive and probably in excess of the amount that could be collected on said taxes: *Now, therefore,*

The General Assembly of North Carolina do enact:

Abatement of uncollected ad valorem and poll taxes, 1937-1945, Town of Canton.

SECTION 1. The Governing Board of the Town of Canton is hereby authorized and directed to abate all uncollected ad valorem and poll taxes levied by the Town of Canton for the years 1937 to 1945, inclusive, and said taxes are hereby declared to be uncollectible and unenforcible by any means whatsoever, whether by court proceeding, by levy and sale, by attachment

or garnishment, or by any other means, direct or indirect. The said taxes shall be, and same are hereby, charged off of the books and records of the Tax Collector of the Town of Canton and said collector and his bondsmen and sureties shall be relieved of the collection of such taxes, together with any interest and penalties thereon.

Taxes charged off records.

Officials relieved of collection.

SEC. 2. This Act shall not apply to such taxes upon which suits are pending.

Pending litigation unaffected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 286 CHAPTER 118

AN ACT TO AMEND CHAPTER 183 OF THE PRIVATE LAWS OF 1911 RELATING TO THE INCORPORATION OF THE TOWN OF STEM IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 183 of the Private Laws of 1911 relating to the incorporation of the Town of Stem in Granville County, is hereby amended by striking out the words and figures "twenty five (25) cents" in line seven of Section five of said Chapter, and by inserting in lieu thereof the words and figures "fifty (50) cents".

Ch. 183, Private Laws, 1911, amended to increase tax limitation, Town of Stem.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 296 CHAPTER 119

AN ACT TO VALIDATE ALL SALES FOR TAXES MADE BY THE SHERIFF OF CHATHAM COUNTY FOR THE YEARS 1946 AND 1947.

The General Assembly of North Carolina do enact:

Certain tax sales, Chatham County, validated.

SECTION 1. All sales of property for failure to pay taxes held, conducted or made by the Tax Collector of Chatham County, or any municipality or taxing district therein, during the years of 1946 and 1947, or any dates subsequent to or other than the date prescribed by law, and all certificates of sales executed and issued pursuant to and in accordance with such sales be, and the same hereby are, approved, confirmed and validated, and shall have the same force and legal effect as if said sale had been held and conducted on the date prescribed by law.

Certificates of sale validated.

Pending litigation unaffected.

SEC. 2. This Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. B. 303 CHAPTER 120

AN ACT TO VALIDATE A CERTAIN REAL PROPERTY CONVEYANCE HERETOFORE MADE BY THE COUNTY OF LINCOLN.

The General Assembly of North Carolina do enact:

Certain real property conveyance by County of Lincoln validated.

SECTION 1. The real property conveyance heretofore made by P. A. Hoover, vice chairman of the board of county commissioners, and attested by W. H. Boring, clerk of the board, acting for the County of Lincoln, on November 4, 1946, by deed recorded in Book 239 at page 392, with respect to which conveyance no advertisement was had as required by the provisions of G. S. 153-3, and in which other defects may appear, is hereby validated, ratified and confirmed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

S. B. 13 **CHAPTER 121**

AN ACT TO REWRITE GENERAL STATUTES 112-1 RELATING TO THE INCORPORATION AND POWERS OF THE CONFEDERATE WOMAN'S HOME ASSOCIATION.

The General Assembly of North Carolina do enact:

G. S. 112-1, relating to the Confederate Woman's Home, amended as to persons eligible for admission.

SECTION 1. (a) G. S. 112-1 is hereby amended by striking out the last four lines of the first paragraph and inserting in lieu thereof the words "and govern a home for the deserving wives, daughters and widows of North Carolina Confederate Soldiers: *Provided, however,* no such daughters of North Carolina Confederate Soldiers shall be admitted to said home after January 1, 1953."

Corporate existence extended.

(b) G. S. 112-1 is hereby further amended by striking out the words "for forty years" after the word "existence" in the eighth line of the second paragraph, and inserting in lieu thereof "until January 1, 1960."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

S. B. 65 **CHAPTER 122**

AN ACT TO AMEND CHAPTER 2 OF THE GENERAL STATUTES RELATING TO HOLIDAYS AND LEAVES OF ABSENCE FOR CLERKS OF THE SUPERIOR COURTS.

The General Assembly of North Carolina do enact:

G. S. 2-24, amended as to attendance at office by clerks of Superior Court.

SECTION 1. G. S. 2-24 is hereby amended by striking out the last sentence in said Section and adding the following words at the end of the Section: "*provided,* that the clerks office in the respective counties may observe such office hours and holidays as authorized and prescribed by the board of county commissioners for all county offices."

G. S. 2-25, relating to leaves of absence for clerks of Superior Court, amended.

SEC. 2. G. S. 2-25 is hereby amended by adding the following words at the end of the Section: "*Provided,* it shall not be necessary when a clerk has an assistant clerk to secure an order permitting a leave of absence; and, *provided further,* it shall not be necessary when a clerk has a deputy clerk, but no assistant clerk, to secure an order permitting a leave of absence unless such absence extends more than forty-eight hours."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

S. B. 80 CHAPTER 123

AN ACT TO AMEND SECTION 17 OF CHAPTER 647 OF THE PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE THOMASVILLE RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Ch. 647, Public-Local Laws, 1911, amended.

SECTION 1. Section 17 of Chapter 647 of the Public-Local Laws of 1911 is hereby amended by adding at the end thereof the following:

Authority of police officials, City of Thomasville, to issue criminal process.

"The Chief of Police and the Police Officer on duty as acting Night Desk Sergeant of the City of Thomasville are authorized to issue criminal process and make the same returnable before the Thomasville Township Recorder's Court for trial. All warrants shall be issued upon affidavit and made returnable forthwith."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

S. B. 83 CHAPTER 124

AN ACT RELATING TO PROCEEDINGS WITH RESPECT TO RESTORATION TO SANITY.

The General Assembly of North Carolina do enact:

G. S. 35-4, proceedings for restoration to sanity, amended to provide appeal to Superior Court.

SECTION 1. G. S. 35-4 is hereby amended by adding the following sentence at the end of the Section:

"The petitioner may appeal from the finding of said jury to the next term of the Superior Court, when the matters at issue shall be regularly tried de novo before a jury."

G. S. 35-4.1, providing procedure for discharge of guardian for incompetent, amended.

SEC. 2. G. S. 35-4.1, as set out in Section 22 of Chapter 537 of the Session Laws of 1947, is hereby amended by rewriting the second paragraph of said G. S. 35-4.1 to read as follows:

"The clerk shall hold a hearing, which at the option of the

petitioner may be without jury, and shall appoint one or more licensed physicians to examine the person in question and to make an affidavit as to his mental state and competency to conduct his business, make contracts and sell property. If the hearing is before a jury and the jury determines that such person is competent, or if the hearing is without a jury and the clerk determines that such person is competent on the basis of evidence presented by the interested parties and the medical affidavits, the clerk shall discharge the guardian, and the person shall be able to conduct his affairs and business, make contracts, and transfer property as if he never had been committed or declared incompetent. When any such determination by the jury or the clerk, in the absence of a jury, is adverse to the person in whose behalf such petition has been presented, such petitioner may appeal from the finding of said jury or clerk to the next term of the Superior Court, when the matters at issue shall be regularly tried de novo before a jury."

Appeal to Superior Court from adverse finding.

SEC. 2. This Act does not apply to pending litigation.

Pending litigation unaffected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective 30 days after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

S. B. 98

CHAPTER 125

AN ACT TO GRANT THE MAYOR'S COURT OF THE TOWN OF FARMVILLE THE SAME JURISDICTION WITHIN FARMVILLE TOWNSHIP AS THAT VESTED IN THE PITT COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after ratification of this Act the criminal jurisdiction of the Mayor's Court of the Town of Farmville, Pitt County, shall have concurrent jurisdiction within Farmville Township in all misdemeanor cases over which the Pitt County Recorder's Court now has jurisdiction: *Provided, however*, that any defendant charged with the committing of any such offense outside the corporate limits of the Town of Farmville, may upon motion, have his case transferred to the Pitt County Recorder's Court.

Mayor's Court, Town of Farmville, concurrent criminal jurisdiction in Farmville Township with Pitt County Recorder's Court.

SEC. 2. That all laws and clauses of law in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

S. B. 107 CHAPTER 126

AN ACT TO PROVIDE COMPENSATION FOR NECESSARY TRAVEL INVOLVED IN THE DISCHARGE OF THE DUTIES OF THE BOARD OF COUNTY COMMISSIONERS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

Travel allowance, Nash County Commissioners.

SECTION 1. That the Board of County Commissioners of Nash County shall receive six cents (6c) per mile for all necessary travel involved in the discharge of their duties.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 42 CHAPTER 127

AN ACT TO REDUCE THE FEE FOR THE REGISTRATION AND LICENSING OF PASSENGER VEHICLES OWNED AND OPERATED BY VETERAN AMPUTEES TO ONE DOLLAR ($1.00) ONLY BY AMENDING PARAGRAPH (e) OF SECTION 20-87 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. 20-87, amended.

SECTION 1. That paragraph (e) of Section 20-87 of the General Statutes of North Carolina be amended by adding at the end thereof the following: "*Provided,* that a fee of only one dollar ($1.00) shall be charged for any vehicle given by the Federal Government to any veteran on account of any disability suffered during World War II, so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, Section 252, United States Code Annotated."

Registration and licensing fee for certain vehicles owned and operated by disabled veterans.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 70 **CHAPTER 128**

AN ACT TO REQUIRE THE LAW ENFORCEMENT OFFICERS OF CLAY COUNTY TO REFER CASES RELATING TO INTOXICATING LIQUORS TO THE STATE COURTS.

The General Assembly of North Carolina do enact:

Law enforcement officers, Clay County, to refer cases relating to intoxicating liquors to State courts.

SECTION 1. That the Sheriff of Clay County and his duly authorized deputies, and any and all law enforcement officers having authority to make an arrest in Clay County shall, whenever seizing any vehicle on account of the unlawful transportation of intoxicating beverages, or making any arrests of persons because of any violation of the law relating to intoxicating beverages, refer the cases to the State court having jurisdiction thereof to be determined by such State court in accordance with the law of this State or any Public-Local Act applicable to Clay County. Any such officer who shall, in violation of this Section, refer such cases to courts of another jurisdiction shall be guilty of a misdemeanor and upon plea of guilty or conviction thereof shall be punished in the discretion of the court, and in addition thereto, upon such plea of guilty or conviction shall be removed from office.

Penalty for violation of Act.

Act also applicable to Yadkin County.

SEC. 2. That in addition to Clay County, this Act shall apply to Yadkin County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 109 **CHAPTER 129**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN IN MACON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Extension of corporate limits, Town of Franklin.

SECTION 1. That the corporate limits of the Town of Franklin, a municipal corporation located in Macon County, North Carolina, shall be extended by annexing to the territory now within said corporate limits the area of land embraced within the following boundaries, to-wit:

Boundaries defined.

Beginning at a point where the North boundary line of the right of way of U. S. Highway No. 64 West of Franklin intersects the present line defining the corporate limits of the Town of Franklin; runs westward with the North boundary line of the right of way of U. S. Highway No. 64 to a point where said North boundary line of the right of way of U. S. Highway No. 64 intersects a prolongation of the West boundary line of Woodlawn Cemetery; then following the West boundary line of Woodlawn Cemetery property to its southwest corner; then following the southern boundary line of the Woodlawn Cemetery property to its southeast corner; then following the East and southeast boundary lines of Woodlawn Cemetery property to its northeast corner near the entrance of the Roten Road; then following the South boundary line of the right of way of U. S. Highway No. 64 to the line defining the present corporate limits of the Town of Franklin; thence to the beginning.

Application of existing laws to extended boundaries.

SEC. 2. That all laws and clauses of laws applicable to the Town of Franklin according to the corporate limits as heretofore defined, shall be applicable to the Town of Franklin with the extended boundaries as set forth in Section 1 hereof as fully as if the extended boundaries had been set forth in the original charter of said municipal corporation, and each amendment thereto, and each re-enactment of said charter.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 118 CHAPTER 130

AN ACT TO AMEND G. S. 116-96 RELATING TO THE POWERS OF THE BOARD OF TRUSTEES OF THE NEGRO AGRICULTURAL AND TECHNICAL COLLEGE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 116-96 is hereby amended by adding at the end thereof the following:

G. S. 116-96, relating to powers of Board of Trustees, Negro A. and T. College, amended.

"The board of trustees is specifically authorized to direct the president of the board, for and on behalf of the Negro Agricultural and Technical College of North Carolina, to execute as principal a good and sufficient bond with sureties, securing to the Federal Government the safekeeping and return of all such Federal property as the college may receive from the Federal Government for Reserve Officers Training Corps programs or for other similar purposes."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 141 CHAPTER 131

AN ACT TO AUTHORIZE THE PORT COMMISSION OF MOREHEAD CITY TO ISSUE REFUNDING BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The Port Commission of Morehead City, created by Chapter 75 of the Private Laws of 1933, is hereby authorized and empowered, from time to time, to refund or discharge by means of refunding bonds or the proceeds received from the sale thereof all or any part of any bonds or other obligations heretofore or hereafter issued pursuant to Chapter 75 of the Private Laws of 1933 or pursuant to this Act, including interest thereon in arrears or about to become due, whether or not represented by coupons.

Issuance of refunding bonds by Port Commission of Morehead City authorized.

SEC. 2. The refunding bonds shall be authorized by resolution or resolutions, duly adopted by said port commission. Said bonds, if and when so issued, shall be called "Port Commission Refunding Bonds of Morehead City," and shall be issued in one or more series with such priority as to payment from revenues or taxes and in other respects, and in such form and denominations

Procedure for issuance of bonds.

and mature at such time or times, not exceeding fifty years after their date, and bear such rate of interest, not exceeding six per cent (6%) per annum, payable either annually or semiannually, as the said port commission may determine. The bonds shall be signed by the chairman of said port commission and the corporate seal affixed or impressed upon each bond and attested by the secretary to said commission. The coupons to be attached to said bonds shall bear the facsimile signature of the chairman. Refunding bonds bearing the signatures of officers of said commission in office on the date of the signing thereof shall be valid and binding, notwithstanding that before the delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be officers of said commission, the same as if such persons had continued to be officers after the delivery thereof.

Execution of bonds.

Coupons.

Sale or exchange of bonds.

SEC. 3. Such refunding bonds may be sold for cash for the purpose of redeeming outstanding bonds, or such refunding bonds may be exchanged for outstanding bonds on the basis of face or par value including interest accrued or about to be accrued, or on such other basis as may be agreed upon by the port commission and the bondholders. Notwithstanding provisions of this or any other law of North Carolina, such sale or exchange may be made in installments at different times, or an entire issue or series may at one time be sold or exchanged, at any time on, before, or after the maturity of any of the outstanding bonds or other obligations to be discharged.

Provisions for sale of bonds.

SEC. 4. Such refunding bonds may be sold at private sale, for not less than par, to the Reconstruction Finance Corporation or other governmental agency, with the approval of the Board of Commissioners of Morehead City; but if such private sale is not so made to said Reconstruction Finance Corporation or other governmental agency, then the sale shall be made under the provisions of the Municipal Finance Act of the State and with the approval of the Local Government Commission.

Bonds exempt from taxation.

Bonds issued under this Act shall be exempt from all State, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income, nor shall said bonds, or coupons of said bonds, be subject to taxation when constituting part of the surplus of any bank, trust company or other corporation.

Provisions of resolutions authorizing bonds.

SEC. 5. Any resolution or resolutions authorizing any bonds may contain provisions with respect to the exercise of the powers granted by Chapter 75 of the Private Laws of 1933, which shall be part of the contract with the holders of the bonds, as to:

(a) Pledging the wharfage fees and other fees, tolls, dues or other revenues to secure the payment of the bonds;

(b) The rates of the tolls to be charged for the use of the facilities of the terminal or terminals, and the use and disposition of the tolls and other revenues;

(c) The setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(d) Limitation on the purposes to which the proceeds of sale of any issue of bonds to be issued may be applied;

(e) Limitations on the issuance of additional bonds; and

(f) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

Authorized tax levy under Ch. 75 Private Laws, 1933, unaffected.

SEC. 6. Neither this Act nor any refunding under its provisions is intended to or shall suspend the special tax levy heretofore authorized by an election under Chapter 75 of the Private Laws of 1933, nor the powers and duties of the Port Commission and the Board of Commissioners of Morehead City with reference to such tax, its collection, and its payment upon the outstanding funded debt, however such debt from time to time may be evidenced. The Port Commission and the Board of Commissioners of Morehead City shall continue to exercise the powers and duties prescribed in said Chapter 75 as to said special tax, its collection, and its payment upon the outstanding debt, however such debt from time to time may be evidenced. So long as any principal or interest of said debt is unpaid, the port commission shall certify the amount of any default in payment of principal or interest and shall fairly estimate any deficiency of revenues to pay such default and also the costs enumerated in Section 7 of said Chapter 75, including principal and interest maturing during the tax year, and certify the amount to the Board of Commissioners of Morehead City. If and when the power and duty to levy the special tax heretofore authorized by an election under said Chapter 75 shall cease or expire, from such time, powers and duties of the port commission prescribed in Section 7 of said Chapter 75 and in this Act are authorized and required by this Act and shall continue to be performed so long as any principal or interest of the said funded debt, however evidenced from time to time, shall remain unpaid.

Rights of bondholder.

SEC. 7. None of the powers granted in this Act shall be exercised in violation of any contractual, or any other statutory, right of any bondholder without the consent of such bondholder.

Application of existing law to bonds herein authorized.

SEC. 8. Chapter 75 of the Private Laws of 1933 shall remain in full force and effect, and the provisions of said Act, except to the extent that they may be in conflict with this Act, shall be applicable to refunding bonds issued pursuant to this Act. In

particular, the term "bonds" as used in Section 6 of said Chapter 75 shall include "refunding bonds" referred to herein.

Partial invalidity clause.

SEC. 9. If any Section, paragraph, clause or provision of this Act shall be invalid, the invalidity of such Section, paragraph, clause or provision shall not affect any of the remaining Sections, paragraphs, clauses or provisions of this Act, which shall remain in full force and effect.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 170 CHAPTER 132

AN ACT TO EXEMPT FROM AD VALOREM TAXATION PASSENGER MOTOR VEHICLES SPECIALLY CONSTRUCTED AND EQUIPPED FOR VETERAN AMPUTEES.

The General Assembly of North Carolina do enact:

G. S. 105-297, amended to exempt from taxation vehicles given by Federal Government to disabled veterans, World War II.

SECTION 1. G. S. 105-297 is amended by adding a new Subsection immediately following Subsection (12), to be designated (13), to read as follows:

"(13) Any vehicle given by the Federal Government to any veteran on account of any disability suffered during World War II, so long as such vehicle is owned by the original donee or other veteran entitled to receive such gift under Title 38, Section 252, United States Code Annotated."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 236 **CHAPTER 133**

AN ACT TO AMEND CHAPTER 130 OF THE GENERAL STATUTES RELATING TO THE FORWARDING OF COPIES OF BIRTH AND DEATH CERTIFICATES TO REGISTERS OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 130 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 130-99 and immediately preceding G. S. 130-100, to be numbered G. S. 130-99.1, and to read as follows:

G. S. Ch. 130 amended.

G. S. 130-99.1 enacted.

"G. S. 130-99.1. State Board of Health to forward copies of certificates of nonresidents. Upon receipt of the original certificates of birth, death, and stillbirth from the local registrars of vital statistics, the State registrar shall prepare a copy of each certificate except in the case of a child born out of wedlock that was filed in a county other than the county of residence. Such copies shall be forwarded within 30 days to the register of deeds of the county of residence."

Birth and death certificates of non-residents.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect on and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 283 **CHAPTER 134**

AN ACT TO AMEND GENERAL STATUTES 160-402 SO AS TO PERMIT THE GOVERNING BODY OF THE TOWN OF RAEFORD TO LEVY AND COLLECT AN ANNUAL AD VALOREM TAX AT A RATE NOT TO EXCEED TWO DOLLARS ($2.00) ON THE ONE HUNDRED DOLLARS ($100.00) VALUATION.

The General Assembly of North Carolina do enact:

SECTION 1. That General Statutes 160-402 is amended by adding at the end thereof the following: "*Provided*, the governing body of the Town of Raeford shall have the power and it is hereby authorized to levy and collect an annual ad valorem tax on all taxable property in the municipality at a rate not exceeding two dollars ($2.00) on the one hundred dollars ($100.00) valuation of such property."

G. S. 160-402, amended.

Ad valorem tax rate, Town of Raeford.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act and in particular Chapter 308 of the

Conflicting laws repealed.

Session Laws of 1943 and General Statutes 160-402 are hereby repealed to the extent of such conflict.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 168 **CHAPTER 135**

AN ACT TO PROHIBIT THE SALE OF BAY RUM FOR BEVERAGE PURPOSES IN ROCKINGHAM COUNTY.

Preamble: Use of bay rum as beverage, Rockingham County.

WHEREAS, there has been an excessive use in Rockingham County of bay rum as a beverage; and

WHEREAS, such use of bay rum as a beverage has resulted in increased public drunkenness; and

WHEREAS, such use of bay rum as a beverage has been injurious to the health of many persons in Rockingham County; and

WHEREAS, it is in the best interest of the health and welfare of the citizens of Rockingham County that the use of bay rum as a beverage shall be discontinued: *Now, therefore,*

The General Assembly of North Carolina do enact:

Sale of bay rum for beverage purposes prohibited, Rockingham County.

SECTION 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale for beverage purposes any bay rum in Rockingham County.

Violations made misdemeanor.

SEC. 2. Any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment, or both, in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. B. 210 **CHAPTER 136**

AN ACT TO AMEND G. S. 42-23, RELATING TO THE TERMS OF AGRICULTURAL TENANCIES IN CERTAIN COUNTIES, SO AS TO MAKE THE SAME APPLICABLE TO MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The last paragraph of G. S. 42-23, as it appears in the 1947 Supplement to the General Statutes, is hereby amended by inserting between the words "Lincoln" and "Onslow" in lines 4 and 5 of said paragraph the word "Montgomery,". G. S. 42-23, relating to agricultural tenancies, amended to apply to Montgomery County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1949.

H. B. 121 **CHAPTER 137**

AN ACT TO EXEMPT ONSLOW COUNTY FROM THE PROVISIONS OF GENERAL STATUTES 67-13 RELATING TO THE PAYMENT OF DAMAGES BY DOGS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 67-13 of the General Statutes of North Carolina be amended by adding at the end thereof the following: "None of the provisions of this Section shall apply to Onslow County, and it is specifically exempted therefrom." G. S. 67-13, relating to payment of damages by dogs, amended to exempt Onslow County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1949.

H. B. 240 CHAPTER 138

AN ACT RELATING TO THE OPERATION OF TAXICABS IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Regulation of operation of taxicabs, Richmond County.

SECTION 1. It shall be unlawful for any person to engage a taxicab in Richmond County and, upon the completion of such engagement, to fail and refuse to pay the operator of such cab compensation for the use thereof: *Provided, however*, the same shall not be unlawful unless, at the time of the alleged violation, a schedule of the fares and rates currently charged by the person, firm, or corporation operating such taxicab is on file with the Board of County Commissioners of Richmond County and the governing body of the municipality in which such person, firm or corporation operates a taxicab business.

Violations made misdemeanor.

SEC. 2. Any person violating the provisions of Section 1 of this Act shall, upon conviction, be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or shall be fined not exceeding fifty dollars ($50.00).

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1949.

H. B. 346 CHAPTER 139

AN ACT TO EMPOWER THE BOARD OF ALDERMEN OF THE CITY OF ROCKY MOUNT TO RELIEVE CHURCHES FROM PAVING ASSESSMENTS.

The General Assembly of North Carolina do enact:

Adjustment and settlement of paving assessments on church property, City of Rocky Mount.

SECTION 1. The Board of Aldermen of the City of Rocky Mount be and it is hereby authorized and empowered, in its discretion, to remit, reduce, cancel, settle and otherwise compromise any existing indebtedness due by churches of the City of Rocky Mount for sidewalk, curb and gutter or street paving which may now be unpaid and outstanding against any church or parsonage property located within the City of Rocky Mount.

Act applicable only to existing indebtedness.

SEC. 2. The provisions of this Act shall apply only to existing indebtedness now due or incurred for sidewalk, curb and gutter or street paving against any church or parsonage property and shall in no wise affect the payment and collection of other paving assessments.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1949.

H. B. 356 **CHAPTER 140**

AN ACT AUTHORIZING THE COUNTY OF HAYWOOD AND THE TOWN OF WAYNESVILLE TO JOINTLY ESTABLISH, IMPROVE AND MAINTAIN A MEMORIAL CEMETERY FOR THE BURIAL OF UNITED STATES WAR VETERANS.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing bodies of the County of Haywood and of the Town of Waynesville are hereby authorized and empowered to join with the American Legion and the Veterans of Foreign Wars, and other like organizations, and form a memorial association under such name as may be agreed upon for the purpose of jointly establishing, improving, maintaining and beautifying a memorial cemetery plot in the Greenhill Cemetery of the Town of Waynesville as a memorial to deceased veterans of the United States Armed Forces. Memorial association, Haywood County and Town of Waynesville, for establishment of memorial cemetery.

SEC. 2. That said memorial association so established shall have power and authority to accept and use the memorial cemetery plot heretofore set aside by the Town of Waynesville within the Greenhill Cemetery, and the act of the Town of Waynesville in setting aside said memorial plot in said cemetery is hereby approved and ratified. Power and authority of association with respect to cemetery.

SEC. 3. That the said burial plot shall continue under the management and supervision of the governing body of the Town of Waynesville, with the advice and approval of the governing body of the County of Haywood, and of said memorial association. Management and supervision of cemetery.

SEC. 4. That the Board of Commissioners of the County of Haywood are hereby authorized and empowered to appropriate out of any funds which may be used lawfully for said purpose an amount not exceeding three thousand two hundred dollars ($3,200.00) to be used by said memorial association for expenditures in maintaining, improving and beautifying said memorial plot in Greenhill Cemetery. Appropriation to memorial association by Haywood County.

SEC. 5. That the Town of Waynesville, having heretofore donated and set aside said memorial plot and made expenditures Appropriation by Town of Waynesville.

thereon, is hereby authorized, through its governing body, to make such appropriations as may be lawful in the discretion of the governing body of the Town of Waynesville in such amounts as said governing body may deem proper for the purpose of maintaining, improving and beautifying said memorial plot in said cemetery.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of February, 1949.

S. B. 39

CHAPTER 141

AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR EACH SCHOOL DISTRICT IN PITT COUNTY WITH A SCHOOL POPULATION OF LESS THAN ONE THOUSAND FOR THE PURPOSE OF LEVYING A TAX TO SUPPLEMENT SCHOOLS IN SAID DISTRICTS OF A HIGHER STANDARD THAN THAT PROVIDED BY STATE SUPPORT OR TO EMPLOY ADDITIONAL TEACHERS.

The General Assembly of North Carolina do enact:

Special election on school supplement tax levies, Pitt County, authorized.

SECTION 1. From and after the ratification of this Act, the Board of Commissioners of Pitt County may, subject to regulations specified herein, call a special election for the purpose of submitting to the qualified voters in each district with a school population of less than one thousand (1,000) in Pitt County the question of whether or not there shall be levied in said districts a local annual tax on all property subject to taxation. The proceeds of this tax if authorized by a majority of the votes cast in such election shall be used to operate schools in said districts of a higher standard than that provided by State support or to employ additional teachers or both, but in no event to provide for a term of more than 180 days: *Provided,* that before holding an election for supplementing allotments of State funds a petition of the district committee, setting out the purpose for which said election is to be had and the maximum rate of tax which may be levied, shall be approved by the Pitt County Board of Education, the Pitt County Board of Commissioners, and the State Board of Education. When such approval is had, then upon request of the Pitt County Board of Education, the Pitt County Board of Commissioners shall provide for an election under the laws governing such

Petition for election.

Approval of petition.

elections as are set forth for county and city administrative unit supplementary elections in G. S. 115-361.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

S. B. 121 CHAPTER 142

AN ACT TO AMEND SECTION 19 OF CHAPTER 537 OF THE PUBLIC-LOCAL LAWS OF 1923, IMPOSING UPON THE AUDITOR OF PENDER COUNTY THE DUTIES OF CLERK OF THE BOARD OF COMMISSIONERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 19 of Chapter 537 of the Public-Local Laws of 1923, be and the same is hereby amended by adding the following at the end of said Section: Ch. 537, Public-Local Laws, 1923, amended.

"It shall be the duty of said auditor to act as Clerk of the Board of Commissioners of Pender County and to perform the duties authorized and required by law to be performed by the register of deeds as ex officio clerk of the said board of commissioners. While performing such duties he shall be known as 'clerk of the board of commissioners.' All acts heretofore performed by the Auditor of Pender County as clerk of said board be and the same are hereby in all respects ratified and confirmed." Auditor, Pender County, to act as Clerk to Board of Commissioners. Prior acts performed as clerk ratified.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

H. B. 23

CHAPTER 143

AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL OPERATORS' LICENSES AND REGISTRATION PLATES TO AFFLICTED OR DISABLED OPERATORS OF CERTAIN MOTORBIKES OR MOTORIZED WHEEL CHAIRS.

The General Assembly of North Carolina do enact:

Issuance of special operator's license and registration plates to disabled operators of certain motorized vehicles.

SECTION 1. Any afflicted or disabled person who is qualified to operate a motorized wheel chair or other similar vehicle not exceeding one thousand pounds gross weight, may apply to the Department of Motor Vehicles for a special operator's license and permanent registration plates. When it is made to appear to the satisfaction of the Department of Motor Vehicles that the applicant is qualified to operate such vehicle and is dependent upon such vehicle as a means of conveyance or as a means of earning a livelihood, said department shall, upon the payment of a license fee of $1.00 for each such motor vehicle, issue to such applicant for his exclusive personal use a special vehicle operator's license, which shall be renewed annually upon the payment of a fee of 50c, and permanent registration plates for such vehicle. The initial $1.00 fee required by this Act shall be in full payment of the permanent registration plates issued for such vehicle and such plates need not thereafter be renewed and such plates shall be valid only on the vehicle for which issued and then only while such vehicle is owned by the person to whom the plates were originally issued.

Operation of vehicle by person other than licensee made misdemeanor.

SEC. 2. Any person other than the licensee who shall operate any motor vehicle equipped with any such special license plate as is authorized by this Act shall be guilty of a misdemeanor and upon conviction subject to punishment in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

H. B. 26 **CHAPTER 144**

AN ACT TO AMEND CHAPTER 339 OF THE PRIVATE LAWS OF 1899, RELATING TO THE POWER OF THE TOWN OF SHALLOTTE TO LEVY TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 5 of Chapter 339 of the Private Laws of 1899 is hereby amended by rewriting the Section to read as follows: Ch. 339, Private Laws, 1899, amended.

"The commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good government of said town, not inconsistent with the laws of this State, and shall also have power to abate all nuisances and may impose such fines and penalties as may be necessary to abate them. The governing body of said town is hereby authorized and empowered to impose, levy and collect such taxes as municipal corporations are authorized by the general laws of the State to impose, levy and collect, subject only to such limitations as are imposed by the general laws of the State with respect thereto." Powers of commissioners, Town of Shallotte. Levy and collection of taxes.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

H. B. 122 **CHAPTER 145**

AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE OFFENSES OF LARCENY AND THE RECEIVING OF STOLEN GOODS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 14-71 of the General Statutes by striking out the word "misdemeanor" in line 8 of said Section and inserting in lieu thereof the words "criminal offense." G. S. 14-71, relating to receiving stolen goods, amended.

SEC. 2. Amend Section 14-72 of the General Statutes by striking out the words "fifty dollars" in the catch-line of said Section and inserting in lieu thereof the words "one hundred dollars." Further amend Section 14-72 of the General Statutes by striking out the words "fifty dollars" in line 5 of said Section and inserting in lieu thereof the words "one hundred dollars." G. S. 14-72, amended as to fines.

G. S. 14-73, jurisdiction of superior courts, amended.

SEC. 3. Amend Section 14-73 of the General Statutes by striking out the words "fifty dollars" in the last line of said Section and inserting in lieu thereof the words "one hundred dollars."

Jurisdiction in cases of larceny and receiving stolen goods.

SEC. 4. The offenses of larceny and the receiving of stolen goods knowing the same to have been stolen, which are made misdemeanors by Article 16, Subchapter V, Chapter 14 of the General Statutes, as amended, are hereby declared to be petty misdemeanors, and jurisdiction to hear, try and finally dispose of such offenses committed within their respective territorial jurisdictions, is hereby vested in all courts established by a special Act of the Legislature or pursuant to the provisions of Chapter 7 of the General Statutes which now possess jurisdiction of misdemeanors which are punishable in the discretion of the court.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

H. B. 165 CHAPTER 146

AN ACT TO AMEND G. S. 1-153 SO AS TO PERMIT MOTIONS TO STRIKE MATTER FROM PLEADINGS TO BE HEARD OUT OF TERM.

The General Assembly of North Carolina do enact:

G. S. 1-153, amended to permit motions to strike to be heard out of term.

SECTION 1. G. S. 1-153 is hereby amended by adding a new sentence at the end of the Section, to read as follows: "Any such motion to strike any matter out of any pleading may, upon 10 days notice to the adverse party, be heard out of term by the resident judge of the district or by any judge regularly assigned to hold the courts of the district."

Pending litigation unaffected.

SEC. 2. This Act does not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

H. B. 166 **CHAPTER 147**

AN ACT TO AMEND G. S. 1-129, RELATING TO A HEARING UPON A DEMURRER OUT OF TERM.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 1-129 is hereby amended by adding a new sentence at the end of the Section to read as follows: "Notwithstanding any other provisions of this Section, any such demurrer, upon 10 days notice to the adverse party, may be heard and passed upon out of term by the resident judge of the district or by any judge regularly assigned to hold the courts of the district." G. S. 1-129, amended to permit hearings on demurrers out of term.

SEC. 2. This Act does not apply to pending litigation. Pending litigation unaffected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

H. B. 306 **CHAPTER 148**

AN ACT AUTHORIZING AND EMPOWERING THE COUNTY BOARD OF COMMISSIONERS OF WAKE COUNTY TO SPEND PART OF THE MONEYS RECEIVED BY WAKE COUNTY FROM THE WAKE COUNTY BOARD OF ALCOHOLIC CONTROL AND OTHER MONEYS FOR CERTAIN PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Wake County be, and are hereby, authorized and empowered annually to set apart and appropriate from moneys paid to Wake County by the Wake County Board of Alcoholic Control, as profits from the operation of alcoholic beverages stores in Wake County, or from surplus funds of the county, not raised by taxation and not otherwise appropriated, an amount not exceeding fifteen thousand dollars ($15,000.00) per annum and to expend the same for the purpose of aiding, assisting, and encouraging the location of manufacturing, industrial, and commercial plants and/or business in Wake County, and for advertising the advantages and resources of said county, and for such other purposes as will, in the discretion of the board of county commissioners of said county, increase the taxable property of said county and which will promote the general welfare of said county, all of which purposes are hereby declared to be public purposes of the county. Use of ABC profits and other monies for public purposes, Wake County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

H. B. 326

CHAPTER 149

AN ACT TO AMEND CHAPTER 197 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1941 RELATING TO THE ELECTION OF COUNTY COMMISSIONERS IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Ch. 197, Public-Local Laws, 1941, amended.

SECTION 1. Section 2 of Chapter 197 of the Public-Local and Private Laws of 1941 is amended to read as follows:

Ch. 136, Public-Local Laws, 1939, amended.

"Sec. 2. That Section 1 of Chapter 136 of the Public-Local Laws of 1939 be, and the same is hereby, amended to read as follows:

Biennial election of county commissioners, Pamlico County.

'Section 1. That at the next primary election to be held in Pamlico County for the nomination of county officers, and every two years thereafter, there shall be nominated by each of the political parties of Pamlico County one commissioner for each township therein who shall be nominated by the electors of said county voting as a whole. In the event there are more than two candidates in any one township for each political party, the candidate receiving the largest number of votes shall be declared the nominee. If there is no candidate for such office in any township, the executive committee of the political party in Pamlico County shall, within thirty days of the general election in November, name such a candidate.

'At the general election to be held in November, 1942, and every two years thereafter, the candidate so nominated in the primary election herein referred to shall be elected by the qualified voters of Pamlico County.' "

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1949.

H. B. 158 **CHAPTER 150**

AN ACT TO RENDER UNNECESSARY THE TAKING OF EXCEPTIONS TO ADVERSE RULINGS ON THE ADMISSION OF EVIDENCE.

The General Assembly of North Carolina do enact:

SECTION 1. In any trial or hearing no exception need be taken to any ruling upon an objection to the admission of evidence. Such objection shall be deemed to imply an exception by the party against whom the ruling was made. Exception to adverse ruling upon objection to admission of evidence unnecessary.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 24th day of February, 1949.

H. B. 329 **CHAPTER 151**

AN ACT TO AMEND CHAPTER 438 OF THE PUBLIC-LOCAL LAWS OF 1925 IN ORDER TO INCREASE THE SALARIES OF THE TRIAL JUSTICE AND THE COUNTY PROSECUTOR OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 3 of Chapter 438 of the Public-Local Laws of 1925 is hereby amended by striking out the words "one hundred fifty dollars" at the end of said Section and inserting in lieu thereof the words and figures "two hundred fifty dollars ($250.00)". Ch. 438, Public-Local Laws, 1925, amended to increase salary of recorder, criminal court, Pasquotank County.

SEC. 2. Section 5 of Chapter 438 of the Public-Local Laws of 1925 is hereby amended by striking out the words "one hundred fifty dollars", which appear between the words "following" and "per" in lines six and seven of said Section, and inserting in lieu thereof the following words and figures "two hundred fifty dollars ($250.00)." Salary of prosecutor, county criminal court.

SEC. 3. Such increases are hereby declared to be retroactive to December 6, 1948. Increases declared retroactive.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of February, 1949.

S. B. 71 **CHAPTER 152**

AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM AS CONTAINED IN CHAPTER 232 OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA FOR THE YEAR 1927, AS AMENDED, TO DEFINE ITS CORPORATE LIMITS AND TO INCREASE THE NUMBER OF WARDS OF THE CITY FROM FOUR TO EIGHT WITH A MEMBER OF THE BOARD OF ALDERMEN TO BE ELECTED FROM EACH WARD, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Ch. 232, Private Laws, 1927, amended.

SECTION 1. Section 2 of Article I of Chapter 232 of the Private Laws of North Carolina for the year 1927, as amended is hereby further amended by striking therefrom all of the first and second paragraphs down to the third paragraph commencing with the word "*Provided*", and inserting in lieu thereof the following:

City of Winston-Salem, corporate boundaries redefined.

That the corporate boundary lines of the City of Winston-Salem, as heretofore established, shall continue and remain, until further extended as provided by law, as follows, to-wit:

Beginning at an iron stake approximately 175 feet North of 30th Street and 150 feet West of the proposed extension of Bon Air Avenue, running thence along a line that is 150 feet West of and parallel to the proposed extension of Bon Air Avenue North 0 degrees 22 minutes East 1143.3 feet to an iron stake in the South line of a sand clay road, said iron stake being 132 feet West of and at right angles to the existing tangent of the West line of Patterson Avenue Extension on U. S. Route 52, thence along a line that is 132 feet West of and parallel to the existing tangent of the West line of said Patterson Avenue Extension and its projection North 28 degrees 35 minutes West 1551.8 feet to an iron stake in the right-of-way of the Southern Railway Company, said iron stake being 1.5 feet East of the R. J. Reynolds fence and approximately 14 feet North of the South line of the first shed, thence along said right-of-way North 42 degrees 15 minutes West 343.7 feet to an iron stake, said iron stake being where the South line of Walker Road extended westwardly intersects a line in the Southern Railway right-of-way 1.5 feet East of the R. J. Reynolds fence and being 27.3 feet North from the South line of the third shed, thence crossing the railroad and Patterson Avenue Extension and falling in with the South line of Walker Road, the five following courses and distances: South 87 degrees 44 minutes East 693.7 feet to an iron stake, North 85 degrees 56 minutes East 789.5 feet to an iron stake on the East side of the new U. S. Highway #52, said iron stake being 14.2 feet South from the East end of the new bridge, North 83 degrees 28 minutes East 295.5 feet to an iron stake, North 68 degrees 19 minutes East 422.1 feet to

Corporate boundaries, Winston-Salem (cont'd).

an iron stake, said iron stake being approximately where the East line of Leo Street intersects the South line of Walker Road, North 46 degrees 54 minutes East 792.1 feet to an iron stake the northeast corner of lot 107 (Block 983 Forsyth County Tax Map) Bronton Development, thence with the East line of said lot 107, South 43 degrees 04 minutes East 200.7 feet to an iron stake the southeast corner of said lot 107, thence crossing Carolina Boulevard South 27 degrees 46 minutes East 409.3 feet to an iron stake in the North line of Virginia Avenue 226.4 feet westwardly from Creason Street in the South line of lot 20, block 984 (Forsyth County Tax Map) Bronton Development, thence crossing Virginia Avenue and Chemical Avenue along a line that is 195 feet East of and parallel to the East line of Carolina Boulevard South 1 degree 47 minutes West 708.8 feet to an iron stake in the northerly line of Glenn Avenue Extension, thence crossing Glenn Avenue Extension South 86 degrees 25 minutes East 274.7 feet to an iron stake in the West edge of Creason Street, said iron stake being 305 feet North from the North line of Hanes Street, thence crossing Hanes Street South 16 degrees 41 minutes East 1700.0 feet to an iron stake on the South bank of a branch, thence with the branch the eighteen (18) following courses: South 55 degrees 55 minutes East 31.5 feet to an iron stake, thence crossing the N. & W. Yards South 85 degrees 51 minutes East 659.3 feet to an iron stake on the East side of Liberty Street, South 70 degrees 19 minutes East 184.4 feet to an iron stake, South 63 degrees 49 minutes East 277.4 feet to an iron stake, South 18 degrees 58 minutes East 73.2 feet to an iron stake, South 65 degrees 02 minutes East 171.5 feet to an iron stake, South 81 degrees 00 minutes East 113.1 feet to an iron stake, South 57 degrees 40 minutes East 117.4 feet to an iron stake, South 0 degrees 15 minutes East 90.0 feet to an iron stake, South 41 degrees 38 minutes East 69.3 feet to an iron stake, South 48 degrees 40 minutes East 359.2 feet to an iron stake, South 19 degrees 39 minutes East 146.0 feet to an iron stake, South 25 degrees 55 minutes East 223.2 feet to an iron stake, South 60 degrees 15 minutes East 307.8 feet to an iron stake, South 70 degrees 41 minutes East 530.6 feet to an iron stake in the North bank of the branch, South 44 degrees 11 minutes East 370.2 feet to an iron stake on the South bank of the branch 86.2 feet eastwardly from the center of Rochester Street, South 79 degrees 06 minutes East 59.3 feet to an iron stake on the South bank of branch, thence leaving the branch and falling in with the East line of lots 24, 23, 22, 21 Sanford Snyder Estate South 6 degrees 34 minutes West 802 feet to an iron stake the northeast corner of lot 20 of said Snyder Estate, thence continuing with the East line of lots 20, 19, 32 and crossing White Oak Street, South 26 degrees 04 minutes West 324.8 feet to an iron stake in the South line of White Oak Street, thence with the South line of White Oak Street South 84 degrees 19 minutes West 58.1 feet to an iron stake in the East line of an alley, thence with East line of said alley southwestwardly

Corporate boundaries, Winston-Salem (cont'd).

211.8 feet to an iron stake, thence South 83 degrees 42 minutes East 1821 feet to an iron stake, the northwest corner of lot No. 136 of the Alexander Heights development; thence with the South line of a ten-foot alley South 88 degrees 50 minutes East 340.0 feet to an iron stake at the northwest corner of lot No. 122 of the said development; thence South 1 degree 10 minutes West 487.2 feet to an iron stake at the southeast corner of lot No. 90 of the said Alexander Heights development, thence South 7 degrees 30 minutes West 2494.3 feet to an iron stake on the North side of the Mickey Mill Road, said iron being at the southeast corner of lot No. 143 of the "Overbrook" property; thence South 49 degrees 08 minutes West 471.3 feet to an iron stake located at a point 200 feet North of the eastern terminus of East 14th Street; thence with the line of the city school property and its extension South 2 degrees 20 minutes West 1471.0 feet to an iron stake on the North side of East 12th Street, a corner of the city school property; thence South 2 degrees 40 minutes East 951.0 feet to an iron stake at the northeast corner of the Cameron Park property; thence South 21 degrees 34 minutes East 825.0 feet to an iron stake; thence South 39 degrees 44 minutes East 812.0 feet to an iron stake, a corner of Cameron Park property and W. D. Temple property; thence South 5 degrees 16 minutes West 540 feet to a point on the westerly bank of Brushy Fork Branch; thence southwardly along the westerly bank of Brushy Fork Branch as it meanders to a point on the South bank of Salem Creek; thence along the South bank of Salem Creek the following four courses: South 89 degrees 20 minutes East 335.0 feet to an iron; North 88 degrees 20 minutes East 448.0 feet to an iron; South 72 degrees 35 minutes East 600.0 feet to an iron; South 87 degrees 40 minutes East 259.0 feet to an iron stake on the South bank of Salem Creek; thence with the East line of the "Longview" property and its extension South 12 degrees 25 minutes East 4911.5 feet to an iron stake, a corner of the "Nissen Park" property and the said "Longview" property; thence with the line of the said "Nissen Park" property North 77 degrees 10 minutes East 751.2 feet to an iron; thence South 83 degrees 00 minutes East 2143.0 feet to an iron on the East line of Leight Street; thence with the East line of Leight Street North 4 degrees 50 minutes West 1279.0 feet to an iron stake 150 feet North of the North line of Linville Street; thence parallel to Linville Street South 86 degrees 00 minutes East 1061.4 feet to an iron stake; thence South 9 degrees 00 minutes West 998.0 feet to an iron stake; thence South 86 degrees 50 minutes East 585.0 feet to an iron stake on the East line of Butler Street; thence with the East line of said Butler Street South 28 degrees 49 minutes East 778.6 feet to an iron stake on the North side of Waughtown Street; thence South 17 degrees 40 minutes West 233.6 feet to an iron stake; thence crossing Sprague Street Extension South 18 degrees 18 minutes East 404.5 feet to an iron; thence South 55 degrees 12 minutes West 826.7 feet to an iron;

Corporate boundaries, Winston-Salem (cont'd).

thence South 34 degrees 00 minutes West 1605.1 feet to an iron; thence South 39 degrees 49 minutes West 647.6 feet to an iron; thence South 85 degrees 25 minutes West 300.0 feet to an iron; thence South 7 degrees 30 minutes East 398.0 feet to an iron; thence South 21 degrees 30 minutes East 1284.3 feet to an iron; thence South 52 degrees 55 minutes East 446.0 feet to an iron; thence South 2 degrees 30 minutes West 362.0 feet to an iron stake 150 feet South of Clodfelter or Mansfield Street; thence parallel to Clodfelter Street North 88 degrees 00 minutes West 1744.0 feet to an iron at a branch; thence with said branch the following five courses: South 6 degrees 05 minutes West 97.3 feet to an iron; South 42 degrees 00 minutes West 62.7 feet to an iron; South 10 degrees 50 minutes West 51.0 feet to an iron; South 38 degrees 10 minutes West 97.0 feet to an iron; South 22 degrees 40 minutes West 100.00 feet to an iron at the intersection of another branch; thence with the latter branch the following seven courses: North 51 degrees 40 minutes West 260.00 feet to an iron; North 37 degrees 55 minutes West 517.3 feet to an iron; North 89 degrees 30 minutes West 100.0 feet to an iron; South 80 degrees 40 minutes West 296.5 feet to an iron; North 70 degrees 00 minutes West 455.4 feet to an iron; North 56 degrees 47 minutes West 391.0 feet to an iron; North 36 degrees 40 minutes West 229.5 feet to an iron on the northwesterly side of an alley; thence with the northwesterly line of said alley the following two courses: South 68 degrees 30 minutes West 270.3 feet to an iron; South 62 degrees 06 minutes West 812.0 feet to an iron stake on the northeasterly side of the Thomasville Road; thence, crossing Thomasville Road, South 54 degrees 22 minutes West 497.4 feet to an iron stake in the extension of the rear line of the lots fronting on the South side of Crowder Street; thence with the rear line of said lots North 89 degrees 10 minutes West 1400.0 feet to an iron stake on the East edge of an old road; thence South 29 degrees 12 minutes West 945.1 feet to an iron stake in the edge of the woods; thence South 5 degrees 59 minutes West 527.2 feet to an iron stake at the northwest corner of lot No. 5 in block A of the E. B. Cassell property, said corner being 150 feet East of an unnamed street in said Cassell property; thence parallel to said unnamed street South 1 degree 37 minutes West 1521.7 feet to an iron stake at the southwest corner of lot No. 3 in block "F" of said Cassell property; thence with the South line of said Cassell property and its extension North 88 degrees 33 minutes West 350.0 feet to an iron stake; thence South 12 degrees 35 minutes East 662.9 feet to a stone, a corner of the county school lot; thence with the North line of said school lot South 87 degrees 28 minutes West 262.5 feet to a stone on the East side of the Lexington Road, a corner of said school lot; thence crossing said Lexington Road, North 75 degrees 50 minutes West 478.4 feet to an iron stake; thence approximately parallel with the Lexington Road North 7 degrees 22 minutes West 2708.5 feet to an iron stake located 400.4 feet West of the southeast corner of Lexington Road and

Corporate boundaries, Winston-Salem (cont'd).

Pope Street; thence North 1 degree 23 minutes East 928.0 feet to an iron stake on the East line of a street West of the New Eden Moravian Church; thence North 89 degrees 24 minutes West 367.2 feet to a stone; thence North 18 degrees 44 minutes West 1092.0 feet to an iron stake; thence South 11 degrees 46 minutes West 811.4 feet to an iron stake; thence South 3 degrees 31 minutes West along the line of Douglas Battery Company 218.3 feet to an iron stake the southwest corner of said Douglas Battery Company property; thence along the South line of Douglas Battery Company South 87 degrees 44 minutes East 96.9 feet to an iron stake; thence with the East right-of-way line of the Winston-Salem Southbound Railroad Company South 11 degrees 46 minutes West 1710.5 feet to an iron stake in the North line of lot No. 30 on map of Harmon Rothrock; thence along the North line of said lot No. 30 North 87 degrees 36 minutes West 47.4 feet to a stone the northwest corner of lot No. 30; thence along the West line of lots 30, 32, 34 and 36 of said Harmon Rothrock property and being also the East right-of-way of the Winston-Salem Southbound Railroad Company South 0 degrees 21 minutes West 1390 feet to an iron stake; thence South 45 degrees 58 minutes West 608.4 feet to an iron stake; thence with the East right-of-way line of the Winston-Salem Southbound Railroad Company crossing Waughtown-Clemmons Road South 11 degrees 34 minutes West 789.4 feet to an iron stake; thence on a line 200 feet South of and parallel to the Waughtown-Clemmons Road crossing Highway #52, North 88 degrees 50 minutes West 2177.6 feet to an iron stake in the South line of lot 60 block 1323 Forsyth County Tax Map; thence South 86 degrees 45 minutes West 925.5 feet crossing Konnoak Drive to an iron stake the northeast corner of lot 12, block 1393, Forsyth County Tax Map; thence on a line West of Konnoak Drive crossing Waughtown-Clemmons Road North 6 degrees 07 minutes West 1502.4 feet to an iron stake; thence North 0 degrees 36 minutes West 1123.5 feet to an iron stake; the northwest corner of lot No. 10 of the J. T. Etheridge Development; thence North 4 degrees 46 minutes West crossing Beth Avenue 3378.9 feet to an iron stake on the West bank of a branch; thence with said branch the following seven courses: North 36 degrees 10 minutes West 182.8 feet; North 9 degrees 25 minutes East 139.0 feet; North 32 degrees 00 minutes West 171.0 feet; North 20 degrees 30 minutes West 87.5 feet; North 45 degrees 30 minutes West 133.0 feet; North 25 degrees 35 minutes West 198.0 feet; North 40 degrees 20 minutes West 237.0 feet to the intersection of another branch; said intersection being just East of Freeman Street; thence westwardly along the North bank of latter branch to a point in Mrs. Emma Fogle's East line; thence with said Fogle's line and the West line of a twenty-foot alley northwardly to a point on the South side of the Salisbury Road; thence northwardly crossing the Salisbury Road to the northwest corner of said road and an alley shown on the map of the Winston-Salem Land & Investment Company, recorded in the

Corporate boundaries, Winston-Salem (cont'd).

office of the Register of Deeds of Forsyth County; thence with the West line of said alley and its continuation in a straight course northwardly to a point on the South bank of Salem Creek; thence in a northeasterly direction up the South bank of Salem Creek 1430.0 feet to a point on the South bank of said creek; thence in a northwesterly direction 2700.0 feet to the southwest corner of the Granville Place development, said corner being at the southwest corner of lot No. 11 in block No. 11 in said development; thence South 83 degrees 35 minutes West 2689.0 feet to a stake on the West side of Gales Avenue, said stake being at the southeast corner of lot No. 103 in "Ardmore Section No. 4" development; thence South 4 degrees 02 minutes East 1554.7 feet to an iron stake, a corner of Granville Nading estate and Ryan in the line of Calvin Rights on the North side of a farm road; thence with the line of Nading estate, Emma Sink and Ryan South 2 degrees 04 minutes East 611.8 feet to an iron stake corner of Granville Nading estate and Emma Sink; thence crossing Lockland Avenue South 88 degrees 15 minutes West 2694.4 feet to an iron stake, said iron being in the line of Granville Nading and C. C. Cheatham's Stafford Farm extended westwardly; thence North 0 degrees 10 minutes West 333.6 feet to an iron stake, said iron stake being 165 feet West of Irving Street and 150 feet South of Sherwood Drive (formerly Suburban Street); thence parallel to Sherwood Drive South 89 degrees 47 minutes West 1300 feet more or less to an iron stake; said iron stake being 6.0 feet East of the West line of lot #21, block 1683 as shown on the Forsyth County Tax Map, and 10.0 feet northwardly from the South line of said lot, also in the East line of lot #33 extended northward, running thence along said extended line and along the East line of lots #33, 32, 31, 30, 29, 28, and continuing South 1 degree 35 minutes East 495.4 feet to an iron stake; thence on a line crossing Ebert Street Extension and being also 150.0 feet South of and parallel to Vintage Avenue, South 87 degrees 02 minutes West 2057 feet to an iron stake, thence on a line, falling in with the West line of Westover Annex #2, North 00 degrees 34 minutes East 600.2 feet to an iron stake in the West line of lot #100 in said Westover Annex #2; thence South 89 degrees 47 minutes West 2350 feet more or less to an iron stake in a field; thence North 00 degrees 36 minutes East falling in with the lines between lots #80 and 81 of block 1403 and continuing through the middle of blocks 1402 and 1399, and falling in with the line between lots 12 and 13 block 1398, Forsyth County Tax Map, 1965.9 ft. to an iron stake, the northern corner of said lots 12 and 13, block 1398 (said development being also known as West Branchlands) thence on a line North 6 degrees 22 minutes West 1594.2 feet to an iron stake 25 feet North of the center line of U. S. Highway No. 158, said iron stake being also 1.0 feet outside of the fence line of the P. H. Hanes Knitting Company extended southwardly; thence parallel to and 1.0 feet outside the said fence line North 26

Corporate boundaries, Winston-Salem (cont'd).

degrees 17 minutes West 710.5 feet to an iron stake, 1.0 feet outside said fence; thence parallel to and 1.0 feet outside said fence, North 43 degrees 28 minutes West 870.3 feet to an iron stake, also being 1.0 feet outside said fence; thence parallel to and 1.0 feet outside said fence North 00 degrees 58 minutes West, joining with the West property lines of the "Woodvalo" and "Country Club Estates" developments, 1959.2 feet to an iron stake, said iron stake being the northwest corner of lot #75 in the South line of lot #16 in the "Country Club Estates" development, thence along the line of lots #16, 15, 8 and 1 of the "Country Club Estates" development to an iron stake, a corner between "Country Club Estates" and "Burkwood Place" developments, thence along the South line of said "Burkwood Place" development South 89 degrees 14 minutes West 426.5 feet to an iron stake, thence along the West line of "Burkwood Place" said line being 190.0 feet West of and parallel to Pennsylvania Avenue northwardly 1357.3 feet to an iron stake in the North side of West First Street Extension, said iron stake being 30.0 feet North of the center line of said West First Street Extension and just West of the entrance to Forsyth Country Club; thence North 3 degrees 14 minutes West 2803.9 feet to an iron stake, said iron stake being 200.0 feet southwest of Westview Drive West; thence crossing Westview Drive West and falling in with the West line of lots #1 thru 7, "Shaffner Estate Development" (block 2217 Forsyth County Map) North 1 degree 20 minutes West 2525.0 feet to an iron stake, said iron stake being 211.6 feet North from the South line of Robin Hood Road, and being where the South line of Glendale Avenue (Englewood Development) extendedp westwardly intersects the West line of lots #1 thru 7, said Shaffner Estate extended northwardly; thence along said extended South line of Glendale Avenue North 78 degrees 11 minutes East 1732.1 feet to an iron stake the southwest intersection of Glendale Avenue and Buena Vista Road, thence crossing Buena Vista Road and continuing with the South line of said Glendale Avenue North 66 degrees 37 minutes East 389.9 feet to an iron stake the northeast corner of lot 21 block "A" "Englewood Development", said iron stake being 420 feet northwardly from the North line of Brookstown Road, now Robin Hood Road; thence North 78 degrees 52 minutes East 1354.2 feet to an iron stake the southwest corner of lot 7 block "A" Ferrell Place development, said iron stake being 150 feet West of Kearns Avenue and 224 feet North of Robin Hood Road; thence along the rear line of the lots on the West side of Kearns Avenue and crossing Wake Avenue North 1 degree 18 minutes West 1712.0 feet to an iron stake, said iron stake being 3.0 feet South from the northwest corner of lot 23, block "D", section No. 2 Ferrell Place development, thence continuing with the rear line of the lots on the West side of Kearns Avenue North 00 degrees 25 minutes East 166.9 feet to an iron stake the northwest corner of lot 29, block "D" said Ferrell development, thence with the North line of

Corporate boundaries, Winston-Salem (cont'd).

lot 29, block "D" and falling in with the North lines of Brook Road and lot 28, block "F" of said Ferrell development South 88 degrees 57 minutes East 706.5 feet to an iron stake the northeast corner of lot 28, block "F" said Ferrell Place section 2, said iron stake being 181 feet East from the East line of Vernon Avenue as shown on map of said Ferrell Place development; thence along a line that is 181 feet East of and parallel to the East line of said Vernon Avenue South 1 degree 18 minutes East 1116.5 feet to an iron stake, said iron stake being approximately 39 feet East of and 15 feet South of the northeast corner of lot 35, block "C" Ferrell Place development; thence across the Bowman Gray Estate property now "Graylyn" South 89 degrees 17 minutes East 1260.7 feet to an iron stake set in concrete, said iron stake being 935 feet westwardly from an iron stake on the East side of Reynolda Road and 810.5 feet northwardly from an iron stake on the South side of Robin Hood Road; thence crossing Reynolda Road North 74 degrees 20 minutes East 6817.5 feet to an iron stake; thence crossing North Cherry Street and falling in with the North line of a twenty-foot alley along the North side of Snipes' Shultz Farm property South 88 degrees 15 minutes East 4254.6 feet to an iron stake just South of West 27th Street; thence approximately parallel to Patterson Avenue North 1 degree 55 minutes East 2083.0 feet to an iron on the North side of a ten-foot alley; thence with the North line of said alley North 89 degrees 00 minutes East 516.7 feet to the place of beginning.

Ch. 60, Private Laws, 1933, amended.

SEC. 2. Chapter 60 of the Private Laws of the State of North Carolina for the year 1933, entitled "AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM, BEING CHAPTER TWO HUNDRED AND THIRTY-TWO, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AND CHAPTER FIFTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE" is hereby amended in the following respects, to-wit:

Date of biennial election of mayor and aldermen, City of Winston-Salem.

(a) The word "May" appearing in the first and third lines of the first paragraph of Section 1 of said Chapter 60, and also appearing in the second and third lines of the second paragraph of Section 1 of said Chapter 60, is hereby stricken out, and the word "June" is inserted in lieu thereof, so that hereafter the general biennial election for the election of the mayor and eight aldermen of the city shall be held on the first Tuesday after the first Monday in June, instead of on the first Tuesday after the first Monday in May, as heretofore.

(b) The second paragraph of Section 1 of said Chapter 60 is hereby stricken out, and the following paragraph to be numbered "Second" is adopted in lieu thereof to read as follows:

Election of aldermen.

There shall, on the first Tuesday after the first Monday in June, 1933, and on the first Tuesday after the first Monday in June bienially thereafter, be elected eight aldermen for said city, who shall hold their offices until their successors are qualified, of whom one shall be elected from South Salem Ward, one from North Salem Ward, one from West First Ward, one from East First Ward, one from West Second Ward, one from East Second Ward, one from South Third Ward, and one from North Third Ward. Such aldermen shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of such wards respectively.

(c) Add at the end of the seventh paragraph of Section 1 of said Chapter 60 the following:

New registration in territory annexed to the city.

The board of aldermen shall order a new registration to be held in any territory annexed to the City of Winston-Salem prior to the next succeeding city and general elections to be conducted as provided in this Section.

(d) Strike out the period at the end of the ninth paragraph of Section 1 of said Chapter 60 and insert in lieu thereof a comma and add thereafter the following:

Time for registration.

Provided, however, that on each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct at the hours heretofore set forth, except that, in the event a new registration in such precinct is in progress, he shall attend the polling place with his registration books each day during the registration period between the hours heretofore set forth.

(e) The fourteenth paragraph of Section 1 of said Chapter 60 is hereby amended by striking out the remainder of said paragraph following the word "registrar; vacancies occurring at any time shall be filled by the Board of Aldermen", and by inserting in lieu thereof the following:

Vacancy appointments of registration officials.

vacancies occurring after appointments have been made by the board of aldermen and before the day of election shall be filled by the secretary of the board of aldermen.

(f) The fourth paragraph of Section 1 of said Chapter 60 is hereby amended by adding at the end thereof the following:

Appointment of assistant registrars.

The board of aldermen may appoint assistant registrars to serve in the place of any regular registrar who shall fail or refuse to perform his duties.

Petitions on behalf of independent candidates.

(g) The twenty-fourth paragraph of Section 1 of said Chapter 60 is hereby amended by striking out the words "ten per cent" in the fifth line thereof and inserting in lieu thereof the words "twenty-five per cent", and by adding at the end of said twenty-fourth paragraph the following provisions, to-wit:

Rules and regulations governing petitions.

The board of aldermen may prescribe rules and regulations covering the information that shall be set out in the petition to be signed by the voters requesting a person to be a candidate for any such office, as to the giving of the full name of every such voter, the street address of such voter and any other pertinent information required to facilitate the checking of such petition against the registration books.

(h) The seventeenth paragraph of Section 1 of said Chapter 60 is hereby amended by adding at the end of said seventeenth paragraph the following provisions:

Qualification of voter in annexed territory.

A voter, otherwise qualified, residing within any territory annexed to the City of Winston-Salem on January 1, 1949, or for four months next preceding the elections to be held in May and June 1949, shall be deemed a resident of the respective ward, including such annexed territory, and shall be eligible to vote in such elections. This provisions shall likewise apply to any future extension of the city limits and to the next succeeding elections.

(i) The fourth paragraph of Section 2 of said Chapter 60 is amended by striking out the period at the end thereof and inserting a comma to be followed by the following provisions, to-wit:

Time for registration, primary elections.

Provided, however, that on each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct at the hours heretofore set forth, except that, in the event a new registration in such precinct is in progress, he shall attend the polling place with his registration books each day during the registration period between the hours heretofore set forth.

Ch. 232, Private Laws, 1927, to increase number of wards in city.

SEC. 3. Section 8 of Chapter 232 of the Private Laws for the State of North Carolina for the year 1927, same being the Charter of the City of Winston-Salem, as amended, is hereby stricken out and a new Section 8 is inserted in lieu thereof following the designation "Section 8" to read as follows:

Division of city into wards.

That the City of Winston-Salem is hereby divided into eight wards, to be known and designated as South Salem Ward, North Salem Ward, West First Ward, East First Ward, West Second Ward, East Second Ward, South Third Ward, and North Third Ward.

South Salem Ward.

The boundary lines of South Salem Ward shall be as follows:

Beginning at the intersection of Brushy Fork and Salem Creeks and being the easterly Corporation Line; running thence eastwardly with Salem Creek and Corporation Line to a point a corner of said Corporation Line in Salem Creek; thence southwardly with the Corporation Line to a point North of Belleau Wood Street and East of Argonne Blvd.; thence continuing with

the Corporation Line as it meanders to the intersection of Salem Creek East of Hutton Street; thence northeastwardly with Salem Creek and the Corporation Line to the southwest corner of North Salem Ward; thence continuing northeastwardly with Salem Creek as it meanders and being the southerly line of North Salem Ward to the place of beginning.

North Salem Ward.

The boundary lines of North Salem Ward shall be as follows:

Beginning at the intersection of West First Street and Park Circle, running thence eastwardly with First Street to the intersection of the easterly Corporation Line on the West bank of Brushy Fork Creek; thence with the easterly Corporation Line and Brushy Fork Creek as it meanders southwardly to the intersection of Salem Creek; thence with Salem Creek as it meanders southwestwardly to the intersection of the Corporation Line; thence with the Corporation Line northwardly and westwardly to the intersection of Peters Creek; thence with Peters Creek northwardly to the intersection of a branch North of Crafton Street; thence with said branch northwardly to the intersection of the North line of Apple Street; thence continuing northwardly to the intersection of Watkins Alley and Westdale Avenue; thence northwardly with Watkins Alley to Beaumont Street; thence northwardly with Beaumont Street and falling in with Park Circle to West First Street the place of beginning.

West First Ward.

The boundary lines of West First Ward shall be as follows:

Beginning at the intersection of West First Street and Hawthorne Road; running thence eastwardly with West First Street to Peters Creek; thence southwardly with Peters Creek as it meanders to the Corporation Line; thence with the Corporation Line as it meanders westwardly to the Southern Railroad; thence northeastwardly with the Southern Railroad to a point where the extension of Queen Street intersects said Southern Railroad and being also a corner of East First Ward; thence with the line of East First Ward eastwardly to the intersection of Queen Street and Knollwood Street; thence continuing eastwardly with Queen Street to Hawthorne Road; thence northwardly with Hawthorne Road to West First Street the place of beginning.

East First Ward.

The boundary lines of East First Ward shall be as follows:

Beginning at the intersection of East First Street and the easterly Corporation Line on the West bank of Brushy Fork Creek and being the norteast corner of North Salem Ward; running thence westwardly with First Street and being the North line of North Salem Ward to Park Circle, the northwest corner of said North Salem Ward; thence southwardly with Park Circle and falling in with Beaumont Street to the intersection of Watkins Alley; thence southwardly with Watkins Alley to the intersection of Westdale Avenue; thence continuing southwardly to a point where the North line of Apple Street

intersects a branch, thence southwardly with said branch to its intersection of Peters Creek North of Crafton Street; thence with Peters Creek as it meanders northwestwardly to the intersection of West First Street; thence with West First Street westwardly to Hawthorne Road; thence southwardly with Hawthorne Road to Queen Street; thence westwardly with Queen Street and being the North line of West First Ward to Knollwood Street; thence continuing with the line of Queen Street extended westwardly to the Southern Railroad; thence northeastwardly with the Southern Railroad and being the South line of West Second Ward to Reynolda Road and being a corner of East Second Ward; thence southwardly with Reynolda Road to West End Boulevard; thence southwestwardly with West End Boulevard to Clover Street; thence southeastwardly with Clover Street to Glade Street; thence continuing southeastwardly with Glade Street to West Fourth Street; thence eastwardly with Fourth Street and being also the South line of East Second Ward to Dunleith Avenue; thence southwardly with Dunleith Avenue to East Third Street; thence eastwardly with East Third Street to the intersection of the Corporation Line on the West bank of Brushy Fork Creek; thence southwardly with the Corporation Line and also Brushy Fork Creek to the place of beginning.

West Second Ward.

The boundary lines of West Second Ward shall be as follows:

Beginning at the intersection of North West Boulevard and Thurman Street, a corner of South Third Ward; running thence westwardly with the North West Boulevard to the Southern Railroad; thence southwestwardly with the Southern Railroad to the intersection of the Corporation Line; thence northwardly with the westerly Corporation Line to a point North of Robinhood Road; thence with the northerly Corporation Line eastwardly to a point North of West Twenty-fifth Street about midway between Biltmore Avenue and Kirkwood Street, being also the northwest corner of South Third Ward; thence southwardly to a point in the line of West 13th Street extended westwardly to about midway between Reynolda Road and Thurman Street; thence eastwardly along said line of West 13th Street extended to Thurman Street; thence southwardly along Thurman Street to North West Boulevard, the place of beginning.

East Second Ward.

The boundary lines of East Second Ward shall be as follows:

Beginning at the intersection of East Third Street and the Corporation Line on the West bank of Brushy Fork Creek and being the northeast corner of East First Ward; running thence westwardly with East Third Street to Dunleith Avenue; thence northwardly with Dunleith Avenue to East Fourth Street; thence westwardly with Fourth Street and being also the North line of East First Ward to Glade Street; thence northwestwardly with Glade Street to Clover Street; thence with Clover Street

northwestwardly to West End Boulevard; thence northeastwardly with West End Boulevard to Reynolda Road; thence northwestwardly with Reynolda Road to the Southern Railroad a corner of East First Ward; thence northeastwardly with the Southern Railroad to North West Boulevard; thence northeastwardly with North West Blvd. to Peters Creek; thence northwardly with Peters Creek to Cherry Street; thence southwardly with Cherry Street to North West Boulevard; thence northeastwardly with North West Boulevard to Underwood Avenue; thence southwardly to the intersection of Ellis and West Twelfth Streets; thence southwardly with Ellis Street to West Tenth Street; thence eastwardly with West Tenth Street to Trade Street; thence southwardly with Trade Street to West Seventh Street; thence eastwardly with Seventh Street to Woodland Avenue; thence southwardly with Woodland Avenue to Seventh Street; thence eastwardly with Seventh Street to Cameron Avenue; thence northeastwardly with Cameron Avenue to the New Walkertown Road; thence northeastwardly with New Walkertown Road to the Corporation Line being also the southeast corner of South Third Ward; thence southwardly with the Corporation Line to Brushy Fork Creek; thence continuing with the Corporation Line and Brushy Fork Creek southwardly to East Third Street the place of beginning.

South Third Ward. The boundary lines of South Third Ward shall be as follows:

Beginning at the intersection of the New Walkertown Road and Corporation Line and being also the northeast corner of East Second Ward; running thence southwestwardly with New Walkertown Road to Cameron Avenue; thence southwestwardly with Cameron Avenue to Seventh Street; thence westwardly with Seventh Street to Woodland Avenue; thence northwardly with Woodland Avenue to Seventh Street; thence westwardly with Seventh Street to Trade Street, said Seventh Street being also the North line of East Second Ward; thence northwardly with Trade Street to West Tenth Street; thence westwardly with West Tenth Street to Ellis Street; thence northwardly with Ellis Street to the intersection of West Twelfth Street; thence northwardly to the intersection of Underwood Avenue and North West Boulevard; thence southwestwardly with North West Boulevard to Cherry Street; thence northwestwardly with Cherry Street to Peters Creek; thence southwestwardly with Peters Creek to North West Boulevard; thence southwestwardly with North West Boulevard to Thurmond Street; thence northwardly with Thurmond Street to 13th Street; thence westwardly along the extension of 13th Street to a point about midway between Thurmond Street and Reynolda Road; thence northwardly on a line crossing West Twenty-fifth Street about midway between Biltmore Avenue and Kirkwood Street to the intersection of the northerly Corporation Line, said intersection of northerly Corporation Line being also the northeast corner of

West Second Ward; thence with the northerly Corporation Line eastwardly to the intersection of Lime Avenue; thence southwardly with Lime Avenue to Burton Street; thence eastwardly with Burton Street to North Main Street; thence southwardly with North Main Street to Glenn Avenue; thence northeastwardly with Glenn Avenue to North Chestnut Street; thence southwardly with North Chestnut Street to the Southern Railroad; thence southwardly with the Southern Railroad to a point South of North Liberty Street, said point being where the center line of Eighth Street extended eastwardly intersects said Southern Railroad; thence eastwardly to the intersection of Patterson Avenue and Ninth Street; thence eastwardly with Ninth Street to Linden Street; thence northwardly with Linden Street to Byerly Street; thence northeastwardly with Byerly Street to Ogburn Street; thence northwardly with Ogburn Street to Eleventh Street; thence eastwardly with Eleventh Street to Highland Avenue; thence northwardly with Highland Avenue to Seventeenth Street, thence eastwardly with Seventeenth Street to Cleveland Avenue; thence northwardly with Cleveland Avenue to Twentieth Street; thence eastwardly with Twentieth Street to Jackson Avenue; thence along the extended line of Twentieth Street eastwardly to a point in the Corporation Line said point being the southeast corner of North Third Ward; thence southwardly with the easterly Corporation Line to the New Walkertown Road, the place of beginning.

The boundary lines of North Third Ward shall be as follows: North Third Ward.

Beginning at a point where the extension of Twentieth Street eastwardly intersects the easterly Corporation Line and being also the northeast corner of South Third Ward; running thence westwardly along said extended line of Twentieth Street and falling in with Twentieth Street to Cleveland Avenue; thence southwardly with Cleveland Avenue to Seventeenth Street; thence westwardly with Seventeenth Street to Highland Avenue; thence southwardly with Highland Avenue to Eleventh Street; thence westwardly with Eleventh Street to Ogburn Street; thence southwardly with Ogburn Street to Byerly Street; thence southwestwardly with Byerly Street to Linden Street; thence southwardly with Linden Street to Ninth Street; thence westwardly with Ninth Street to Patterson Avenue; thence westwardly to a point South of North Liberty Street, said point being the extension of the center line of Eighth Street eastwardly to the intersection of the Southern Railroad; thence northwardly with the Southern Railroad to Chestnut Street; said Southern Railroad being also the line of South Third Ward; thence northwardly with Chestnut Street to Glenn Avenue; thence southwestwardly with Glenn Avenue to North Main Street; thence northwardly with North Main Street to Burton Street; thence westwardly with Burton Street to Lime Street; thence northwardly with Lime Street to a point in the northerly

Corporation Line, said point being also a corner of South Third Ward; thence with the Corporation Line eastwardly and northwardly to a point where the South line of Walker Road extended westwardly intersects the Southern Railroad; thence continuing with the Corporation Line eastwardly to a point in the South line of Walker Road, said South line of Walker Road from U. S. Highway #52 eastwardly being the Corporation Line; thence continuing with the Corporation Line southeastwardly crossing Carolina Blvd., Glenn Ave., Norfolk and Western Railroad Yards, North Liberty Street to a point on the South bank of the branch East of said Rochester Street; thence with the Corporation Line southwardly to the South line White Oak Street; thence with the South line of White Oak Street and being also the Corporation Line westwardly to the East line of an alley; thence along the East line of said alley and being also the Corporation Line southwardly to a point; thence continuing with the Corporation Line eastwardly to the place of beginning.

Ch. 232, Private Laws, 1927, further amended.

SEC. 4. Section 45 of Chapter 232 of the Private Laws of the State of North Carolina for the year 1927 is amended by adding at the end of said Section the following provisions:

Boundary lines of Winston-Salem School Administrative Unit.

The boundary lines of the Winston-Salem School Administrative Unit shall be coterminous with the boundary lines of the City of Winston-Salem as hereinbefore established, and the citizens and property within any territory heretofore or hereafter annexed to the corporate limits of the City of Winston-Salem shall enjoy the same rights and shall be subject to payment of the same taxes, as regards the public schools of the Winston-Salem School Administrative Unit as applicable to the citizens and property within the territory comprising the corporate limits of the City of Winston-Salem prior to the annexation of any such territory.

School privileges.

Change of title of certain officials.

SEC. 5. Wherever the words "Commissioner of Public Accounts and Finance" and "Commissioner of Public Works" appear in Chapter 232 of the Private Laws for the State of North Carolina for the year 1927, or in any amendments thereto, said words are hereby stricken out, and the words "Director of Public Accounts and Finance" are hereby inserted in lieu of the words "Commissioner of Public Accounts and Finance" and the words "Director of Public Works" are substituted in lieu of the words "Commissioner of Public Works".

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1949.

S. B. 132 **CHAPTER 153**

AN ACT TO AMEND CHAPTER 684 OF THE SESSION LAWS OF 1947, RELATING TO THE ELECTION OF SCHOOL TRUSTEES IN THE CITY OF KINGS MOUNTAIN.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 684 of the Session Laws of 1947 by striking out the comma appearing after the word "commissioners" and before the word "one" in the third line of Section 1 of said Chapter and by inserting after the word "commissioners" and before the word "one" in said third line the following: "and also five school trustees,". Ch. 684, Session Laws, 1947, amended as to biennial election of school trustees, City of Kings Mountain.

SEC. 2. Further amend said Chapter 684 of the Session Laws of 1947 by inserting after the word "commissioner" and before the word "shall" in the sixth line of Section 1 of said Chapter the following: "and trustee".

SEC. 3. Further amend Chapter 684 of the Session Laws of 1947 by striking out the period after the word "qualified" in the last line of Section 1 of said Chapter and by inserting a comma after said word "qualified" and the following: "and the candidate for school trustee from each ward receiving a majority of the votes cast by the voters of his ward shall be declared elected as school trustee for the ward from which he is a candidate and shall hold office as school trustee for the term heretofore provided by the City Charter of Kings Mountain, and amendments thereto and until his successor is elected and qualified."

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1949.

H. B. 137 **CHAPTER 154**

AN ACT TO AMEND AND REPEAL CERTAIN PUBLIC-LOCAL LAWS APPLICABLE ONLY TO CURRITUCK COUNTY RELATING TO THE PUBLIC SCHOOLS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 223 of the Session Laws of 1945 is amended to read as follows: Ch. 223, Session Laws, 1945, amended.

Meetings of Currituck County Board of Education.

"SECTION 1. The Board of Education of Currituck County shall meet on the first Monday of each and every month in the year in the county courthouse or in the Currituck Public School Building."

Ch. 896, Session Laws, 1945, repealed.

SEC. 2. Chapter 896 of the Session Laws of 1945, providing for the closing of the Public Schools of Currituck County for the purpose of picking cotton, is hereby repealed.

Ch. 899, Session Laws, 1945, repealed.

SEC. 3. Chapter 899 of the Session Laws of 1945, requiring the County Board of Education of Currituck County to give public notice of the date of the election of the county superintendent of schools, is hereby repealed.

Ch. 137, Session Laws, 1947, repealed.

SEC. 4. Chapter 137 of the Session Laws of 1947, relating to the publication of the minutes of the Board of Education of Currituck County so as to require the publication to include a list of all vouchers issued during the previous month giving the payee's name and the amount of the voucher, is hereby repealed.

Ch. 185, Session Laws, 1947, repealed.

SEC. 5. Chapter 185 of the Session Laws of 1947, providing that members of the Board of Education of Currituck County shall be paid per diem and mileage only for meetings held on the first Monday in each month, is hereby repealed.

Ch. 254, Session Laws, 1947, repealed.

SEC. 6. Chapter 254 of the Session Laws of 1947, relating to the signing of public vouchers and other official records in Currituck County, is hereby repealed.

Ch. 372, Session Laws, 1947, repealed.

SEC. 7. Chapter 372 of the Session Laws of 1947, requiring the employment of adult school bus drivers in Currituck County, is hereby repealed.

Ch. 648, Session Laws, 1947, repealed.

SEC. 8. Chapter 648 of the Session Laws of 1947, relating to the placing of insurance by the Board of Education of Currituck County, is hereby repealed.

Ch. 1036, Session Laws, 1947, repealed.

SEC. 9. Chapter 1036 of the Session Laws of 1947, authorizing the levying of a tax to provide funds to meet additional salary cost for the employment of adult school bus drivers in Currituck County, is hereby repealed.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1949.

H. B. 314 **CHAPTER 155**

AN ACT AUTHORIZING THE TOWN OF LINCOLNTON TO SELL REAL ESTATE BELONGING TO SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Lincolnton, sale of certain property authorized.

SECTION 1. That the Board of Aldermen of the Town of Lincolnton, may, in its discretion, and it is hereby empowered and authorized to sell, either publicly or privately property located on the North side of East Main Street adjoining the property of S. M. Roper, M. S. Beam and others, it being the same property the town has been using for police and fire departments. Said property may be sold as a whole or subdivided and sold in parcels.

Conveyance of title in fee.

SEC. 2. That upon confirmation of sale by the board of aldermen, and the payment in full of the purchase price, the mayor is hereby directed to convey title for such lot or lots of land, in his official capacity, to the purchaser in fee simple.

Disposition of proceeds of sale.

SEC. 3. That the proceeds arising from the sale or sales above provided for shall be paid to the Treasurer of said Town of Lincolnton, and the moneys coming into his hands therefrom shall be held by him as general funds to be expended upon order of the board of aldermen for general purposes or expenses of said town, or for the purpose of building and erecting a building or buildings to be used for municipal purposes, as in their discretion they deem best and proper.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws and parts of laws inconsistent with the provisions of this Act be and the same are hereby repealed.

SEC. 5. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1949.

H. B. 364 **CHAPTER 156**

AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE JONES COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Jones County Board of Education.

SECTION 1. On and after the first Monday in April, 1949, the Jones County Board of Education shall consist of seven (7) members.

Election of members of Board.

SEC. 2. In the primary election for county officers in Jones County, held in the year 1950, and biennially thereafter, the

political parties of said county may nominate as their candidates for membership on the Jones County Board of Education, one candidate from each of the townships in said county. The person so nominated shall be a qualified voter in the township from which he is a candidate. In the event there are two or more candidates from any one of said townships the selection of the candidate from that township shall be voted upon only by the qualified electors of said township. The candidate receiving the highest number of votes in his respective township shall be declared the nominee of his respective party from the district in which he is a qualified voter and it shall not be necessary to hold a second primary.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1949.

S. B. 46 **CHAPTER 157**

AN ACT TO FIX THE COMPENSATION AND EXPENSE ALLOWANCE OF SUPERIOR COURT JUDGES.

The General Assembly of North Carolina do enact:

G. S. 7-42, amended.

SECTION 1. G. S. 7-42 is amended to read as follows:

Salaries of Superior Court Judges.

"G. S. 7-42. Salaries of Superior Court Judges.—The salary of each of the Judges of the Superior Court shall be ten thousand dollars ($10,000.00) per annum, and each judge shall be allowed

Travel allowance.

the sum of two thousand five hundred dollars ($2,500.00) in lieu of necessary traveling expenses and subsistence expenses while attending court or transacting official business at a place other than in the county of his residence."

Increase retroactive.

SEC. 2. The compensation provided in Section 1 of this Act shall be effective as of 1 January 1949.

Ch. 763, Session Laws, 1945, and other conflicting laws repealed.

SEC. 3. Chapter 763 of the Session Laws of 1945 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

S. B. 47

CHAPTER 158

AN ACT TO FIX THE COMPENSATION OF SUPREME COURT JUSTICES.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 7-3 is amended to read as follows: G. S. 7-3, amended.

"G. S. 7-3. Salaries of Supreme Court Justices. Each Justice of the Supreme Court shall be paid an annual salary of fourteen thousand four hundred ($14,400) dollars, payable in equal monthly installments." Salaries of Supreme Court Justices.

SEC. 2. The compensation provided in Section 1 of this Act shall be effective from and after 1 January 1949. Increase retroactive.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

S. B. 110

CHAPTER 159

AN ACT TO PROVIDE FOR THE ENFORCEMENT OF THE RULES AND REGULATIONS OF A DISTRICT HEALTH DEPARTMENT AND TO PLACE DISTRICT HEALTH DEPARTMENTS ON THE SAME BASIS AS COUNTY HEALTH DEPARTMENTS WITH RESPECT TO ENFORCEMENT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Subsection 4 of Section 130-66 of the General Statutes of North Carolina by adding at the end of said Subsection 4 the following: G. S. 130-66, amended.

"If any person shall violate the rules and regulations made and established by a district health department, he shall be guilty of a misdemeanor and fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding 30 days." Violations of rules and regulations of district health department made misdemeanor.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

S. B. 111 **CHAPTER 160**

AN ACT TO AMEND ARTICLE 9 OF CHAPTER 130 OF THE GENERAL STATUTES RELATING TO THE LAWS OF VITAL STATISTICS.

The General Assembly of North Carolina do enact:

G. S. 130-102, amended as to certified copies of birth records.

SECTION 1. Section 130-102 of the General Statutes is hereby amended by adding after the first sentence in said Section and before the second sentence in said Section the following:

"Such certified copy of the birth record shall be issued in the form of a birth registration card which shall include only the full name, birth date, state of birth, race, sex, date of filing, and birth certificate number: *Provided*, that a full and complete copy of the birth certificate shall be supplied upon request to the registrant, if of legal age; or to the parent or parents; or to public welfare or public health agencies; or to duly licensed private welfare agencies upon the approval of the State Registrar; or to any other person, for good cause shown, upon the order of a Judge of the Superior Court. Such birth registration card, properly certified by the State Registrar or his duly authorized agent, shall be prima facie evidence of the facts stated therein."

Complete copy of birth certificate furnished in certain instances.

Birth registration card prima facie evidence of facts therein.

G. S. 130-93.1, enacted.

SEC. 2. Article 9 of Chapter 130 of the General Statutes is hereby further amended by adding another Section to read as follows:

Certificate of identification for child of foreign birth.

"SEC. 130-93.1. Certificate of identification for child of foreign birth. In the event that a new birth certificate cannot be obtained for an adopted child born in a foreign country and having legal settlement in this State, the information pertaining to the birth as provided for in Section 130-102 may be filed for such child with the State Registrar, provided that the country of birth shall be specified in lieu of the state of birth."

G. S. 130-94, amended as to persons having access to birth and death records.

SEC. 3. Section 130-94 of the General Statutes is hereby amended by adding the following at the end of the Section:

"No persons other than those authorized by the State Registrar shall have access to the original birth and death records."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

S. B. 112 **CHAPTER 161**

AN ACT TO AMEND CERTAIN SECTIONS OF THE GENERAL STATUTES RELATIVE TO THE BIRTH AND DEATH CERTIFICATES MAINTAINED BY THE BUREAU OF VITAL STATISTICS.

Preamble: Comparable vital statistics by various states.

WHEREAS, it is essential that vital statistics of the various states of the nation be comparable; and

Similar certificates necessary.

WHEREAS, for such statistics to be comparable, it is necessary that each state use similar birth and death certificates; and

Form prepared by U. S. Office of Vital Statistics.

WHEREAS, the National Office of Vital Statistics of the United States Public Health Service, in consultation with the states, periodically prepares revisions of a standard form for these certificates recommended for use by the states; and

WHEREAS, many other states now use the standard certificates: *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S. 130-79, amended.

SECTION 1. Amend Section 130-79 of the General Statutes by rewriting said Section so that the same shall hereafter read as follows:

Contents of death certificate.

"Section 130-79. Contents of Death Certificate. The certificate of death shall contain, as a minimum, those items prescribed and specified on the standard certificate of death as prepared by the national agency in charge of vital statistics and as the same may be changed or amended by the North Carolina State Registrar of Vital Statistics.

"The personal and statistical particulars shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

"The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

"The medical certificate shall be made and signed by the physician, if any, who last treated the deceased for the disease or injury which caused death, and such physician shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred, and he shall further state the cause of death. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing any such indefinite or unsatisfactory terms, as defined by the State Registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. In deaths in hospitals, institutions, or of nonresidents,

the physician shall supply the information required above, if he is able to do so, and may state where, in his opinion, the disease was contracted."

G. S. 130-89, amended.

SEC. 2. Amend Section 130-89 of the General Statutes by rewriting said Section so that the same shall hereafter read as follows:

Contents of birth certificate.

"SECTION 130-89. Contents of Birth Certificate. The certificate of birth shall contain, as a minimum, those items prescribed and specified on the standard certificate of birth as prepared by the national agency in charge of vital statistics and as the same may be amended or changed by the North Carolina State Registrar of Vital Statistics: *Provided,* that in case of an illegitimate birth, the father's name shall not be shown on the certificate without his written consent and, *provided further,* that in case of an illegitimate birth, the last name of the child shall be the same as that of the mother or, if requested in writing, the name of the child shall be the same as the person or persons caring for the child when such request is made by both the mother of the child and the person or persons caring for the child, or, if the mother of the child is deceased, then the person or persons caring for such child may make such a request for such change."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

S. B. 118 **CHAPTER 162**

AN ACT ALLOCATING CERTAIN DELINQUENT TAX COLLECTIONS TO THE GENERAL FUND OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Lee County, certain delinquent tax collections payable to general fund.

SECTION 1. Collections hereafter made of any taxes due Lee County, which at the beginning of any fiscal year were due and payable five years or more prior thereto, shall be credited to and deposited in the General Fund of Lee County.

SEC. 2. This Act shall apply only to Lee County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

S. B. 134 **CHAPTER 163**

AN ACT TO REPEAL G. S. 20-218.1 RELATING TO JURISDICTION OVER VIOLATIONS OF MOTOR VEHICLE LAWS BY PERSONS OVER FIFTEEN YEARS OF AGE.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 20-218.1, relating to jurisdiction over violations of motor vehicle laws by persons over fifteen years of age, is hereby repealed in its entirety.

G. S. 20-218.1, jurisdiction of Juvenile Courts over violations of motor vehicle laws, amended.

SEC. 2. All jurisdiction heretofore vested in the Superior Court by the provisions of G. S. 20-218.1 is hereby vested in the Juvenile Courts of the State of North Carolina.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 5 **CHAPTER 164**

AN ACT TO REPEAL SECTIONS 2 THROUGH 9 OF CHAPTER 1067 OF THE SESSION LAWS OF 1947, RELATING TO THE INSPECTION OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

SECTION 1. Sections 2 through 9, inclusive, of Chapter 1067 of the Session Laws of 1947, the same being Part II of said Act, are hereby repealed.

Ch. 1067, Session Laws, 1947, amended to repeal motor vehicle inspection law.

SEC. 2. Any money in the Motor Vehicle Inspection Fund shall be paid in to the Highway Fund to the extent necessary to reimburse the Highway Fund for any appropriation of highway funds expended pursuant to Section 7 of Chapter 1067 of the Session Laws of 1947. Any surplus shall be paid to the General Fund of the State.

Disposition of Motor Vehicle Inspection Fund.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Closing of inspection lanes.

SEC. 3½. The inspection lanes to be closed on the date of the ratification of this Act.

Effective date.

SEC. 4. This Act shall become effective 30 days from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 10 **CHAPTER 165**

AN ACT TO FIX THE SALARIES OF THE OFFICERS OF YADKIN COUNTY AND TO PROVIDE FOR THE APPOINTMENT OF TWO SALARIED DEPUTY SHERIFFS.

The General Assembly of North Carolina do enact:

Yadkin County officials on salary basis.

SECTION 1. Beginning with the first day of February, 1949, the officers of Yadkin County shall be placed on a salary basis.

Salary of Clerk Superior Court.

SEC. 2. The Clerk of the Superior Court of Yadkin County shall receive an annual salary of twenty-five hundred dollars ($2500.00), payable in equal monthly installments. He shall also act as Judge of the Juvenile Court of Yadkin County, for which he shall receive the sum of three hundred dollars ($300.00).

Salary of Register of Deeds.

SEC. 3. The Register of Deeds of Yadkin County shall receive an annual salary of twenty-five hundred dollars ($2500.00), payable in equal monthly installments. The register of deeds shall serve as secretary to the board of county commissioners, and for such service, he shall receive the sum of three hundred dollars ($300.00).

Salary of Sheriff.

SEC. 4. The Sheriff of Yadkin County shall receive an annual salary of twenty-eight hundred dollars ($2800.00), payable in equal monthly installments.

Salary of County Accountant and Tax Supervisor.

SEC. 5. The County Accountant and Tax Supervisor of Yadkin County shall receive an annual salary of twenty-two hundred fifty dollars ($2250.00), payable in equal monthly installments, and he shall also receive an allowance of three hundred dollars ($300.00) for preparing the tax books of the county.

Salary of Tax Collector.

SEC. 6. The Tax Collector of Yadkin County shall receive an annual salary of twenty-two hundred fifty dollars ($2250.00), payable in equal monthly installments.

Appointment of salaried deputies sheriff.

SEC. 7. The Sheriff of Yadkin County be, and he is hereby, authorized to appoint Fred Turner and Lloyd Prim, present deputy sheriffs as salaried deputies.

Duties and compensation of deputies.

SEC. 8. Said deputies shall discharge the duties as full time Deputy Sheriff of Yadkin County and each shall receive as com-

pensation for his services the sum of one hundred fifty dollars ($150.00) per month.

Term of office of deputies.

SEC. 9. The term of office of the two salaried deputies herein above mentioned shall be the same as that of the sheriff.

Authority of sheriff as to removal and appointment of deputies.

SEC. 10. The sheriff is hereby empowered and directed to remove any salaried deputy sheriff at any time and appoint any other in his place; the said deputies, when appointed, shall serve at the pleasure of the sheriff of said county; and they shall have and possess the powers and perform the duties now given and imposed upon deputy sheriffs or sheriffs by law.

Conflicting laws repealed.

SEC. 11. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 12. This Act shall be in full force and effect from and after the first day of the month following its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 124 **CHAPTER 166**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF STANLY COUNTY TO FIX THE FEES FOR FEEDING COUNTY JAIL PRISONERS.

The General Assembly of North Carolina do enact:

Stanly County, fees for feeding jail prisoners.

SECTION 1. The Board of Commissioners of Stanly County are hereby authorized and empowered, in their discretion, to fix the fees for feeding county jail prisoners at not to exceed one dollar ($1.00) per day per prisoner.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 125 CHAPTER 167

AN ACT TO INCREASE THE SALARIES OF THE SHERIFF, THE JUDGE AND THE SOLICITOR OF THE COUNTY COURT OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 420, Public-Local Laws, 1939, amended to increase salary of Sheriff, Stanly County.

SECTION 1. Chapter 420 of the Public-Local Laws of 1939 entitled "An Act to Fix the Salary of the Sheriff of Stanly County" is hereby amended by striking out of line 2 of Section 1 the words and figures "twenty-seven hundred ($2700.00)" and inserting in lieu thereof the words and figures "thirty-six hundred ($3600.00)".

Salary of Judge of County Court.

SEC. 2. From and after July 1, 1949, the Judge of the County Court of Stanly County shall receive for his services the sum of two thousand five hundred and eighty dollars ($2,580.00) per annum, payable in equal monthly installments.

Salary of Solicitor of County Court.

SEC. 3. From and after July 1, 1949, the Solicitor of the County Court of Stanly County shall receive for his services the sum of two thousand four hundred dollars ($2,400.00) per annum, payable in equal monthly installments.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 153 CHAPTER 168

AN ACT TO AMEND SECTIONS 15-21 AND 15-22 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE EXECUTION OF WARRANTS SO AS TO PERMIT STATEWIDE RUNNING OF WARRANTS WITHOUT ENDORSEMENT.

The General Assembly of North Carolina do enact:

G. S. 15-22, relating to the execution of criminal warrants, amended.

SECTION 1. That Section 15-22 of the General Statutes of North Carolina is hereby amended by adding at the end thereof an additional sentence in these words: Whenever a justice of the peace or the chief officer of a city or town shall attach to his warrant a certificate under the hand and seal of the Clerk of the Superior Court of his county certifying that he is a justice of the peace of the county or the chief officer of a city or town in the county and that the warrant bears his genuine signature, the warrant may be executed in any part of the State in like

manner as warrants issued by Justices of the Supreme Court, Judges of the Superior Court, or judges of criminal courts without any endorsement of any justice of the peace or magistrate of the county in which it may be served.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 157 **CHAPTER 169**

AN ACT TO REQUIRE A CALENDAR FOR ALL TERMS OF THE SUPERIOR COURT FOR THE TRIAL OF CRIMINAL CASES.

The General Assembly of North Carolina do enact:

Calendar for trial of criminal cases, Superior Courts.

SECTION 1. At least one week before the beginning of any term of the Superior Court for the trial of criminal cases, the solicitor shall file with the Clerk of the Superior Court a calendar of the cases he intends to call for trial at that term. The calendar shall fix a day for the trial of each case included thereon.

Grand Jury cases.

SEC. 2. The solicitor may place on the calendar for the first day of the term all cases which will require consideration by the grand jury without obligation to call such cases for trial on that day.

Trial of cases.

SEC. 3. No case on the calendar may be called for trial before the day fixed by the calendar except by consent or by order of the court.

Cases docketed after calendar completed.

SEC. 4. All cases docketed after the calendar has been made and filed with the Clerk of Superior Court may be placed on the calendar at the discretion of the solicitor.

Subpoenaing of witnesses.

SEC. 5. All witnesses shall be subpoenaed to appear on the date listed for the trial of the case in which they are witnesses.

Proof of attendance.

SEC. 6. Witnesses shall not be entitled to prove their attendance for any days prior to the day on which the case in which they are witnesses is set for trial unless otherwise ordered by the presiding judge.

Authority of Court unaffected.

SEC. 7. Nothing in this Act shall be construed to affect the authority of the court in the call of cases for trial.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 9. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 174 CHAPTER 170

AN ACT RELATING TO MONTHLY PUBLICATION IN NEWSPAPERS OF EXPENDITURES FROM COUNTY FUNDS BY THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Mitchell County, Boards of Education and County Commissioners, monthly publication of expenditures from county funds.

SECTION 1. The Board of County Commissioners of Mitchell County and the Board of Education of Mitchell County shall publish monthly, in a newspaper having a general circulation in Mitchell County, an itemized list of all expenditures from county funds made by each board, so itemized to show the character of expenditures without disclosing the identity of persons receiving assistance under the Old Age Assistance, Aid to Needy Blind and Aid to Dependent Children provisions of the law or any other welfare program to which the State or Federal Governments now or may hereafter contribute.

Payment of costs of publication.

SEC. 2. The Board of County Commissioners of Mitchell County and the Board of Education of Mitchell County are each authorized to expend for the publication of the itemized list of expenditures from county funds an amount not in excess of ten dollars ($10.00) per month, to be paid out of funds of each of the separate boards: *Provided, however,* in the event the cost of said publication shall be in excess of ten dollars ($10.00) for either board for any given month, the said board shall then publish said expenditures by posting the itemized list at the courthouse door in Mitchell County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 213 CHAPTER 171

AN ACT RELATING TO THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 578 of the Public-Local Laws of 1937 is hereby amended by striking out of line 3 of Section 1 the words and figures "fifty dollars ($50.00)" and inserting in lieu thereof the words and figures "seventy-five dollars ($75.00)", and by striking out of line 7 of Section 1 the words and figures "twenty-five dollars ($25.00)" and inserting in lieu thereof the words and figures "fifty dollars ($50.00)". Ch. 578, Public-Local Laws, 1937, amended as to compensation of Board of Commissioners, Stanly County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 237 CHAPTER 172

AN ACT TO AMEND CHAPTER 279 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1937, RELATING TO THE CREATION OF SCHOOL DISTRICTS IN BUNCOMBE COUNTY SO AS TO MAKE THE ACT APPLICABLE TO RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 279 of the Public-Local and Private Laws of 1937 is amended by adding a new Section immediately following Section 11, to be designated as Section 11½ and to read as follows: Ch. 279, Public-Local Laws, 1937, amended to authorize creation of school districts, Richmond County.

"SEC. 11½. This Act is also applicable to Richmond County."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 78 CHAPTER 173

AN ACT TO REPEAL CHAPTER 628 OF THE SESSION LAWS OF 1947, RELATING TO THE REASSESSMENT OF PROPERTY FOR TAXATION IN DARE COUNTY FOR THE YEAR 1948.

The General Assembly of North Carolina do enact:

Ch. 628, Session Laws, 1947, repealed.

SECTION 1. Chapter 628 of the Session Laws of 1947, an Act providing for reassessment of property for taxation in Dare County in the year 1948 and the appointment of a tax supervisor for said county, be, and the same is hereby, repealed.

Reassessment of property for taxation, Dare County.

SEC. 2. The purpose of this Act is to place Dare County under the general law relative to the reassessment of property for taxation and the appointment of tax supervisors, and to abolish the office of full-time tax supervisor created by Chapter 628 of the Session Laws of 1947.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 253 CHAPTER 174

AN ACT TO AMEND CHAPTER 130 OF THE GENERAL STATUTES PERTAINING TO THE FILING OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES KILLED OUTSIDE OF THE UNITED STATES.

The General Assembly of North Carolina do enact:

G. S. Ch. 130, amended.

G. S. 130-80.1, enacted.

SECTION 1. Chapter 130 of the General Statutes is amended by adding a new Section immediately following G. S. 130-80, and immediately preceding G. S. 130-81, to be numbered G. S. 130-80.1, and to read as follows:

Death certificates for members of armed forces killed outside United States.

"G. S. 130-80.1. Preparation of death certificates for members of the armed forces killed outside of the United States. The State Registrar of Vital Statistics, upon presentation of an official notice of death from the United States Government for a member of the armed forces killed outside of the United States, shall prepare a death certificate showing such facts pertaining to such death as may be available from the government notice. Such certificate shall be placed on file in the office of the State Registrar and shall be permanently preserved. The State Registrar of Vital Statistics shall forward a copy of such cer-

tificate to the register of deeds of the county of the last known residence of such deceased person. Certified copies of such certificates shall be prepared by the State Registrar or his duly authorized agent, upon request, and such copies shall be accepted as prima facie evidence of the facts stated therein."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 258 **CHAPTER 175**

AN ACT TO AMEND CHAPTER 692 OF THE SESSION LAWS OF 1945 TO ALLOW ADDITIONAL COMPENSATION TO THE SHERIFF OF PASQUOTANK COUNTY FOR THE PAYMENT OF THE SALARY OF AN OFFICE DEPUTY OR CLERICAL ASSISTANT.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 692 of the Session Laws of 1945 is hereby amended by striking out the words and figures "one thousand and eight hundred dollars ($1,800.00)" between the words "exceed" and "per", in line seven, and inserting in lieu thereof the following words and figures: "two thousand dollars ($2,000.00)". Ch. 692, Session Laws, 1945, amended to increase salary of clerical assistant, Sheriff's office, Pasquotank County.

SEC. 2. Any supplements, increases or additions to the salary of said office deputy or clerical assistant heretofore authorized, allowed or permitted by the Board of Commissioners of Pasquotank County and actually paid to such office deputy or clerical assistant, pursuant to such authorization or permission, shall be, and the same are hereby, validated. Prior increases validated.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after May 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 268 CHAPTER 176

AN ACT FIXING THE SALARY OF THE JUDGE OF THE JUVENILE COURT OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

C. S. C., Lenoir County, compensation as Judge of Juvenile Court.

SECTION 1. In addition to any other salary or compensation now paid to the Clerk of the Superior Court of Lenoir County, the Clerk of the Superior Court of Lenoir County shall be paid the sum of fifty dollars ($50.00) per month out of the General Fund of Lenoir County as compensation for his services as judge of the juvenile court of said county. That for the year of 1949, the compensation herein provided shall be paid to said clerk retroactive to January 1, 1949.

Act retroactive.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 338 CHAPTER 177

AN ACT PROHIBITING MOTORCYCLE AND MOTOR VEHICLE RACES ON SUNDAY IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Wake County, motor vehicle races on Sunday prohibited.

SECTION 1. It shall be unlawful for any person, firm, or corporation to engage in, promote, or in anywise participate in any motorcycle or other motor vehicle race or races on Sunday in Wake County, North Carolina.

Violations made misdemeanor.

SEC. 2. Any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 362 **CHAPTER 178**

AN ACT TO PROHIBIT PERSONS UNDER CERTAIN CONDITIONS FROM PARKING MOTOR VEHICLES ON SCHOOL OR CHURCH PROPERTIES IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person or persons to park any motor vehicle, whether occupied or not, on the grounds of any public school or on the properties or premises of any church or religious denomination in Forsyth County between the hours of six (6:00) o'clock P. M., and six (6:00) o'clock A. M. This Act shall not apply to any person or persons who are attending any school, educational, community, civic or religious meeting or activity, athletic contest, or public meetings of any kind, nor to any official, employee, or member of a religious denomination on which property said persons may park a motor vehicle or vehicles without violation of this Act. Regulation of parking of motor vehicles on school or church properties, Forsyth County.

SEC. 2. Any person or persons violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days. Violations made misdemeanor.

SEC. 3. This Act shall apply only to Forsyth County. Application of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 374 **CHAPTER 179**

AN ACT TO AMEND CHAPTER 61 OF THE PUBLIC-LOCAL LAWS OF 1931, AS AMENDED BY CHAPTER 430 OF THE PUBLIC-LOCAL LAWS OF 1933, RELATING TO THE ELECTION OF COMMISSIONERS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 5 of Chapter 61 of the Public-Local Laws of 1931, as amended by Chapter 430 of the Public-Local Laws of 1933, is hereby repealed and the following substituted in lieu thereof: Ch. 61, Public-Local Laws, 1931, amended.

"SEC. 5. There shall be elected in the general election in 1950 one county commissioner from each of the five districts as set Election of county commissioners, Franklin County.

Terms of office.

out in this Act. The commissioners from Districts Nos. 2 and 4 shall be elected for a term of two years and the commissioners from Districts Nos. 1, 3 and 5 shall be elected for a term of four years. Thereafter, upon the expiration of the terms of office of the respective commissioners, all of said commissioners shall be elected for a term of four years from their respective districts as now by law provided, it being the purpose and intention of this Act to have at least two old members on said Board of Commissioners of Franklin County at all times."

Purpose of Act.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 388 CHAPTER 180

AN ACT TO AUTHORIZE THE CITY OF REIDSVILLE TO AID AND SUPPORT ITS POOR AND INDIGENT CITIZENS.

Preamble: City of Reidsville, request for adoption of certain legislation.

WHEREAS, the Council of the City of Reidsville has requested the adoption of legislation authorizing the city to aid and support the poor and indigent of the city: *Now, therefore,*

The General Assembly of North Carolina do enact:

City of Reidsville, appropriation for aid and support of indigent citizens.

SECTION 1. The City of Reidsville, by and through its city council or governing body, shall have the power to aid and support its poor and indigent citizens who are unable to care for themselves and may make an annual appropriation for this purpose. The funds thus appropriated may be expended by the city

Expenditure of funds.

council itself or the authority to make expenditures of designated amounts from said appropriation for poor relief may be delegated by the council to the Reidsville Community Chest, the Reidsville Unit of the Salvation Army, or any other organized charity approved by the city council and operating in the city. Any expenditure of said funds by the Reidsville Community Chest, Salvation Army, or other organized charity shall be made under rules promulgated by the city council and such expenditures shall at all times be subject to the control and supervision of the council.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 389 **CHAPTER 181**

AN ACT TO PROVIDE FOR THE ELECTION OF THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF CONOVER.

The General Assembly of North Carolina do enact:

Town of Conover, election of Mayor and Commissioners.

SECTION 1. That at the next regular municipal election conducted in the Town of Conover subsequent to the ratification of this Act for the purpose of electing municipal officials, there shall be elected by the qualified voters of said town a mayor and five commissioners. The two candidates for the office of commissioner receiving the highest number of votes in said election shall serve for a term of two years and their successors shall serve for a term of two years. The remaining three commissioners to be elected at said election shall serve for a term of one year, but their successors in office shall serve for a term of two years.

Terms of office of Commissioners.

Term of office of Mayor.

SEC. 2. That the Mayor of the Town of Conover shall be elected for a term of one year.

Governing body of town.

SEC. 3. All of said officers shall serve during their respective terms as outlined herein and until their successors have been duly elected and qualified. The mayor and the board of commissioners shall constitute the Governing Body of the Town of Conover.

Notice of candidacy.

SEC. 4. That all persons desiring to become a candidate for the office of mayor or commissioner shall give notice to the town clerk by filing with said clerk a notice of candidacy at least seven days prior to said election and shall pay a filing fee in an amount to be determined by the board of commissioners but which in no instance shall exceed $5.00.

Application of General Statutes to elections.

SEC. 5. Except as otherwise provided in this Act, all elections conducted in the Town of Conover shall be conducted in accordance with the General Laws of North Carolina relating to municipal elections.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

H. B. 178 **CHAPTER 182**

AN ACT TO REPEAL CHAPTER 60 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1929, AND TO AMEND CHAPTER 210 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1913, BEING AN ACT TO AMEND, REVISE, AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHERRYVILLE, NORTH CAROLINA, RELATING TO THE ELECTION OF MAYOR, BOARD OF COMMISSIONERS, AND THE TOWN CLERK.

The General Assembly of North Carolina do enact:

Ch. 60, Private Laws, 1929, relating to Town of Cherryville, repealed.

SECTION 1. Chapter 60 of the Private Laws of North Carolina of 1929, being an Act to amend Chapter 210 of the Private Laws of North Carolina of 1913, is hereby repealed.

Ch. 210, Private Laws, 1913, amended.

SEC. 2. Chapter 210 of the Private Laws of North Carolina of 1913 is hereby amended by striking out all of Section 4 of said Chapter and inserting in lieu thereof the following:

Town of Cherryville, election of board of commissioners and mayor.

Terms of office.

"SEC. 4. On the first Tuesday after the first Monday in May, 1949, there shall be elected a board of commissioners and a mayor by the qualified voters of said town. The mayor shall be elected at large, and shall serve for a term of two years, or until his successor is duly elected and qualified, except the mayor may be removed for cause or otherwise. The board of commissioners shall serve for a four-year term, *provided,* that at the election in May, 1949, the commissioners elected from Ward 2 and Ward 4 shall be elected for a two-year term, but their successors shall be elected for a four-year term. The commissioners shall serve until their successors are duly elected and qualified, except they may be removed for cause or otherwise."

SEC. 3. Chapter 210 of the Private Laws of 1913 is hereby amended by striking out all of Section 8 of said Chapter and inserting in lieu thereof the following:

Election of town clerk.

"SEC. 8. Said board of commissioners at its first meeting after having qualified, shall proceed to elect a town clerk, who shall be secretary and treasurer of the said Town of Cherryville, to serve at the pleasure of the board of commissioners."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratfication.

In the General Assembly read three times and ratified, this the 1st day of March, 1949.

H. B. 297 **CHAPTER 183**

AN ACT TO AMEND GENERAL STATUTES 14-107 RELATING TO THE PUNISHMENT FOR THE ISSUANCE OF WORTHLESS CHECKS SO AS TO INCLUDE JONES COUNTY IN THE LIST OF COUNTIES ENUMERATED THEREIN.

The General Assembly of North Carolina do enact:

G. S. 14-107, penalty for issuance of worthless checks, amended to apply to Jones County.

SECTION 1. That Section 14-107 be amended by adding at the end of the list of counties named therein the following: "Jones County."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1949.

H. B. 351 **CHAPTER 184**

AN ACT TO AMEND CHAPTER 303 OF THE PUBLIC-LOCAL LAWS OF 1935 SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO ADJUST ALL UNPAID TAXES PRIOR TO THE YEAR 1943.

The General Assembly of North Carolina do enact:

Ch. 303, Public-Local Laws, 1935, amended as to adjustment of delinquent taxes, Cumberland County.

SECTION 1. Section one of Chapter 303 of the Public-Local Laws of 1935 is hereby amended by striking out the words "one thousand nine hundred and thirty-three", which appear after the word "year" at the end of said Section, and inserting in lieu thereof the following: "one thousand nine hundred and forty-three".

Acts of Commissioners with respect to adjustments, validated.

SEC. 2. Section two of Chapter 303 of the Public-Local Laws of 1935 is hereby amended by striking out the words "one thousand nine hundred and thirty-three", which appear after the word "year" at the end of said Section, and inserting in lieu thereof the following: "one thousand nine hundred and forty-three".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1949.

H. B. 143 **CHAPTER 185**

AN ACT TO REGULATE THE PAY OF JURORS IN CHEROKEE COUNTY AND TO PROVIDE FOR THE SELECTION OF A GRAND JURY TO SERVE FOR A TERM OF ONE YEAR.

The General Assembly of North Carolina do enact:

Ch. 65, Session Laws, 1947, relating to fees of jurors, Cherokee County, amended.

SECTION 1. Amend Section 1 of Chapter 65 of the Session Laws of 1947 by striking out the words "other than special veniremen and tales jurors" as the same appears after the word "county" and before the word "shall" in the second line of said Section.

Selection of grand jury.

SEC. 2. At the April Term, 1949, of the Superior Court of Cherokee County, and annually thereafter, the grand jury shall be drawn and selected as now provided by law, and said grand jury shall serve for a period of one year from the time of their selection but members of the grand jury shall be paid only for days of official service.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1949.

S. B. 82 **CHAPTER 186**

AN ACT TO EXTEND THE TIME FOR MAKING THE QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY IN LEE AND WATAUGA COUNTIES.

The General Assembly of North Carolina do enact:

Quadrennial revaluation and reassessment of property, Lee and Watauga Counties, deferred.

SECTION 1. The Board of County Commissioners of Lee and Watauga Counties are hereby authorized, in their discretion, to defer or postpone until the year 1950, or 1951, the quadrennial revaluation and reassessment of real property for ad valorem tax purposes required under the general law to be made in 1949.

Methods of revaluation, etc.

SEC. 2. The procedure and methods of effecting such revaluation, reassessment and listing shall be governed by the provisions of Chapter 105 of the General Statutes of North Carolina, as amended.

Powers of officials with respect to revaluation, etc.

SEC. 3. The board of county commissioners, list takers, assessors, board of equalization and review, together with all other

officers, personnel and assistants concerned with the revaluation, reassessment, listing and collection of ad valorem taxes are hereby vested with all the powers and charged with all the responsibilities given to such persons or agencies on regular quadrennial assessment years, under the provisions of Chapter 105 of the General Statutes of North Carolina, as amended, in the same manner and to the same extent as if the reassessment, revaluation and listing of taxes provided for in this Act were being made and carried out in a regular quadrennial assessment year.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 84

CHAPTER 187

AN ACT RELATING TO THE FEES OF THE SHERIFF, DEPUTY SHERIFFS AND CONSTABLES IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The sheriff and his deputies and constables in Catawba County shall be allowed the following service fees to be disbursed as now provided by law:

Catawba County, schedule fees of sheriff, deputies and constables.

Warrants, capiases and other orders of arrest each	$2.50
Civil summons issued by the Superior and other courts authorized to issue civil summons each	$1.50
Subpoenaing witnesses in criminal cases each	$1.00
Subpoenaing witnesses in civil cases each	$1.00
Claim and delivery served on defendant	$2.50
For each additional defendant	$1.50
Necessary expense in moving seized property to be taxed against plaintiff	
All official notices each	$1.50
Executions for collection of judgments each	$1.00
Plus collection fee of five per cent (5%) under five hundred dollars ($500.00) and two and one-half per cent (2½%) five hundred dollars ($500.00) and over laying off homestead exemption	$2.00
Summoning of jurors in homestead exemption cases each	$2.00
Execution in ejectment, plus cost of moving defendant	$5.00
Taking of bond or other undertaking each	$1.00

Transferring prisoners from one point to another in Catawba County ..... ten cents (10c) per mile

Summoning of jurors in Superior and other courts of the county each $1.00

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 103 CHAPTER 188

AN ACT TO AMEND G. S. 2-53 RELATING TO THE PAYMENT OF MONEY INTO COURT FOR INDIGENT CHILDREN AND PERSONS NON COMPOS MENTIS.

The General Assembly of North Carolina do enact:

G. S. 2-53, payment of money into court for indigent children and persons non compos mentis, amended.

SECTION 1. G. S. 2-53, as it appears in the 1947 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words and figures "three hundred dollars ($300.00)" wherever the same appears in said Section and inserting in lieu thereof the words and figures "five hundred dollars ($500.00)".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 108 CHAPTER 189

AN ACT TO REWRITE SECTIONS 7-44 AND 7-45 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE COMPENSATION OF SOLICITORS.

The General Assembly of North Carolina do enact:

G. S. 7-44, amended.

SECTION 1. Amend G. S. 7-44 by rewriting said Section so that the same shall hereafter read as follows:

General compensation of solicitors increased.

"SECTION 7-44. Solicitors; general compensation. The several solicitors of the solicitorial districts of the State of North Carolina shall each receive, as full compensation for services as

solicitor, the sum of sixty-five hundred dollars ($6500.00) to be paid in equal monthly installments out of the State Treasury upon warrants duly drawn thereon, which said salaries shall be in lieu of fees or other compensation, except the expenses allowed in Section 7-45."

SEC. 2. Amend G. S. 7-45 by rewriting said Section so that the same shall hereafter read as follows: G. S. 7-45, amended.

"SECTION 7-45. Appropriation for expenses of solicitor. Each solicitor shall receive, in addition to the salary named in Section 7-44, the sum of fifteen hundred dollars ($1500.00) per annum, which will cover all of his expenses while engaged in duties connected with his office. Said sum shall be paid in equal monthly installments out of the State Treasury upon warrant duly drawn thereon." Appropriation for expenses of solicitor increased.

SEC. 3. The compensation provided in this Act shall be effective from and after 1 January 1949. Compensation retroactive.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 119 **CHAPTER 190**

AN ACT TO AMEND SECTIONS 153-102 AND 160-389 OF THE GENERAL STATUTES, AS ENACTED BY CHAPTER 510 OF THE SESSION LAWS OF 1947, THEREBY EXTENDING THE TIME WITHIN WHICH BONDS AUTHORIZED BY COUNTIES AND MUNICIPALITIES MAY BE ISSUED.

The General Assembly of North Carolina do enact:

SECTION 1. That the second paragraph of Section 153-102 of the General Statutes, as enacted by Chapter 510 of the Session Laws of 1947 and as the same appears in the 1947 Cumulative Supplement to said General Statutes, shall be and the same is hereby amended by substituting "July 1, 1948" for "July 1, 1946", by substituting "July 1, 1949" for "July 1, 1947", by substituting "July 1, 1951" for "July 1, 1949" and by substituting "June 30, 1951" for "June 30, 1949". G. S. 153-102, County Finance Act, amended to extend time for issuance of bonds by counties.

SEC. 2. That the second paragraph of Section 160-389 of the General Statutes, as enacted by Chapter 510 of the Session Laws of 1947 and as the same appears in the 1947 Cumulative Supplement to said General Statutes, shall be and the same is G. S. 160-389, Municipal Finance Act, amended to extend time for issuance of bonds by municipalities.

hereby amended by substituting "July 1, 1948" for "July 1, 1946", by substituting "July 1, 1949" for "July 1, 1947", by substituting "July 1, 1951" for "July 1, 1949" and by substituting "June 30, 1951" for "June 30, 1949".

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 122 CHAPTER 191

AN ACT TO REPEAL CHAPTER 311 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATIVE TO THE ISSUANCE OF BONDS OF PENDER COUNTY.

Preamble: Ch. 311, Public-Local Laws, 1921, governing issuance of bonds, Pender County.

WHEREAS, Chapter 311 of the Public-Local Laws of 1921 provides that, except as therein provided, the Board of County Commissioners of Pender County shall be prohibited from issuing any bonds of Pender County unless the question of the issue of said bonds shall have been submitted to the vote of the qualified electors of Pender County and unless the majority of the said qualified electors of said county shall have voted for the issue of the proposed bonds; and

Law not in harmony with State Constitution.

WHEREAS, the provisions of said Chapter 311 are not in harmony with the provisions of the amendment of Section 4 of Article V of the Constitution of North Carolina, which was adopted at the general election in 1936, or the provisions of the amendment of Section 7 of Article VII of said Constitution, which was adopted at the general election in 1948: *Now, therefore,*

The General Assembly of North Carolina do enact:

Ch. 311, Public-Local Laws, 1921, repealed.

SECTION 1. That Chapter 311 of the Public-Local Laws of 1921 entitled "An Act to prohibit the issue of bonds in Pender County until same shall have been submitted to the vote of the people," be and the same is hereby repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 143 CHAPTER 192

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF LEAKSVILLE TO CALL A SPECIAL ELECTION WITH RESPECT TO THE REPEAL OF SECTIONS FIVE, SIX AND SEVEN OF CHAPTER 202, SESSION LAWS OF 1945, AND TO REWRITE SECTION THREE OF CHAPTER 562 OF THE SESSION LAWS OF 1947, RELATING TO THE LEVYING OF SEPARATE TAX RATES, ELECTION OF OFFICIALS, AND ACCOUNTING PROCEDURES IN THE AREA INCORPORATED IN 1945.

The General Assembly of North Carolina do enact:

Town of Leaksville, special election upon question of repeal of certain sections of Ch. 202, Session Laws, 1945.

SECTION 1. That the governing body of the Town of Leaksville may, within one year from the date of the ratification of this Act, call a special election, as provided in Sections 160-353 through 160-363, inclusive, of the General Statutes of North Carolina, for the purpose of submitting to the qualified voters of the Town of Leaksville the question as to whether or not Sections 5, 6 and 7 of Chapter 202 of the Session Laws of 1945, relating to the establishment of different rates of tax, the maintenance of separate accounting systems, the financing of improvements, and the election of commissioners of the Town of Leaksville by virtue of Chapter 202 of the Session Laws of 1945, shall be repealed.

Issue submitted.

SEC. 2. That at the time of holding the special election hereinabove provided for, the question as to whether or not the above named Sections of Chapter 202 of the Session Laws of 1945 shall be repealed shall be submitted to the qualified voters of the town at said election. Those voters who are in favor of repealing said Sections and eliminating the necessity of the establishment of separate tax rates, accounting systems, the financing of improvements, and election of officials by virtue of Chapter 202 of the Session Laws of 1945 shall vote a ballot upon which shall be written or printed the words "For repeal of Sections 5, 6 and 7 of Chapter 202 of the Session Laws of 1945, which requires or permits the establishment of different rates of tax, the maintenance of separate accounting systems, the financing of improvements, and the election of officials, as set forth in said Sections." Those voters who are opposed to the repeal of said Sections and the elimination of the necessity of different rates of tax, separate accounting systems, the financing of improvements, and the election of officials as set forth in said Sections 5, 6 and 7 of Chapter 202 of the Session Laws of 1945 shall vote a ballot upon which shall be written or printed the words "Against the repeal of Sections 5, 6 and 7 of Chapter 202 of the Session Laws of 1945, which requires or permits the establishment of different rates of tax, the maintenance of separate accounting systems, the financing of improvements, and the election of officials, as set forth in said Sections."

Form of ballots.

Sections of law to be repealed in event of majority vote therefor.

If at said election a majority of the votes cast shall be for repeal of Sections 5, 6 and 7 of Chapter 202 of the Session Laws of 1945, the said Sections shall be repealed and become null and void as of the next municipal fiscal year subsequent to the ratification of this Act, and the Town of Leaksville, in all of its functions, shall, in all respects, be operated as one unified municipal corporation.

Sections to remain in force in event of majority vote against repeal.

If a majority of the votes cast at the said election shall be against the repeal of Sections 5, 6 and 7 of Chapter 202 of the Session Laws of 1945, which requires or permits the establishment of different rates of tax, the maintenance of separate accounting systems, the financing of improvements, and the election of officials, as set forth in said Sections in the area incorporated into the corporate limits in 1945, the said Sections of said Act shall remain in full force and effect.

Ch. 175, Session Laws, 1945, amended.

SEC. 3. That Section 16 of Chapter 175 of the Session Laws of 1945 is hereby rewritten to read as follows:

Election of Mayor and Board of Commissioners.

"SECTION 16. Election of Mayor and Board of Commissoiners. The mayor and the members of the board of commissioners shall be elected by the voters at large. All candidates in each instance up to the number to be elected who received the highest number of votes shall be elected."

Ch. 562, Session Laws, 1947, relating to elections, amended.

SEC. 4. That Section 3 of Chapter 562 of the Session Laws of 1947 is hereby repealed.

SEC. 5. That Section 2 of Chapter 562 of the Session Laws of 1947 is hereby repealed.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 148 CHAPTER 193

AN ACT TO AMEND CHAPTER 42 OF THE GENERAL STATUTES SO AS TO PRESERVE THE LANDLORD'S LIEN UPON THE PROCEEDS OF THE SALE OF TOBACCO.

The General Assembly of North Carolina do enact:

G. S. Ch. 42, amended.

SECTION 1. Chapter 42 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 42-22, and immediately preceding G. S. 42-23, to be numbered G. S. 42-22.1, and to read as follows:

G. S. 42-22.1, enacted.

"G. S. 42-22.1. Any tenant or share cropper having possession of a tobacco marketing card issued by any agency of the State or Federal Government who sells tobacco authorized to be sold thereby and fails to account to his landlord, to the extent of the net proceeds of such sale or sales, for all liens, rents, advances, or other claims held by his landlord against the tobacco or the proceeds of the sale of such tobacco, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine or imprisonment in the discretion of the court."

Failure of tenant to account for sales under tobacco marketing cards made misdemeanor.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 149 **CHAPTER 194**

AN ACT TO FIX THE FEES OF JUSTICES OF THE PEACE IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In Person County, fees to be charged by justices of the peace shall be as hereinafter set out and none other.

Person County, fees of justices of the peace.

BILL OF COST IN CIVIL MATTERS
FEES OF JUSTICES OF THE PEACE

Civil cases.

Summons	ea.	$ .50
Additional Defendants	ea.	.25
Affidavit, Bond or Undertaking	ea.	.50
Order to seize property	ea.	.50
Affidavit for Removal	ea.	.50
Order of Removal	ea.	.50
Subpoena	ea.	.25
Trial when Issues are Joined	ea.	1.50
Trial when no Issues are Joined	ea.	1.50
Transcript of Judgment	ea.	.25
Execution of Judgment	ea.	.75
Return on an Appeal	ea.	1.00
Docketing of an Appeal	ea.	.50
Jury Trial & Entering Verdict	ea.	2.00
Claim & Delivery, including all papers, copies trial and Bond of Plaintiff	ea.	2.50

Replevy Bond	ea.	.50
Hearing Petition on Widow's Years Allowance, issuing notice to commissioners and allotting same	ea.	3.00
Filing and Docketing Laborer's Liens	ea.	1.00
Renewal of Execution	ea.	.35
Attachment, with one Defendant	ea.	1.50
If more than one Defendant	ea.	.25
Taking Deposition on Order of Commission per 100 words	ea.	.25
Probate of Deed, Chattel Mortgage, or other writing, including certificate	ea.	.50
Garnishment for Taxes, and making necessary returns and certificates of same	ea.	.50
Order of Arrest in Civil Actions	ea.	1.00

Criminal cases.

BILL OF COSTS IN CRIMINAL CASES
FEES OF JUSTICES OF THE PEACE

Affidavit	ea.	$ .50
Warrant	ea.	1.00
Subpoenas	ea.	.25
Commitment	ea.	.50
Recognizance	ea.	.50
Trial, Judgment Not Contested	ea.	1.50
Trial, Judgment Contested	ea.	2.00
Affidavit for Removal	ea.	.50
Order of Removal	ea.	.50
Capias & Order	ea.	1.00
Continuation	ea.	.50
Issuing Sci. Fa. against Defendant & Bail	ea.	1.50
Entering Judgment of Docket	ea.	.25
Jury Trial and Entering Verdict	ea.	2.00

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 75

CHAPTER 195

AN ACT TO AMEND SECTION 7 OF CHAPTER 624 OF THE SESSION LAWS OF 1947.

The General Assembly of North Carolina do enact:

Ch. 624, Session Laws, 1947, amended.

SECTION 1. That Section 7 of Chapter 624 of the Session Laws of North Carolina of the Session of 1947 be and the same hereby is amended so that the same shall read as follows:

Town of Plymouth, division into wards in event of majority vote for extension of corporate limits.

"SEC. 7. In the event a majority of the votes at said election shall be for extension, the area embraced within the Town of Plymouth, as extended, shall be divided into three wards, to-wit:

The First Ward shall cover all that part of said town that lies East of the center line of Washington Street (Washington Street is described as beginning at the edge of Roanoke River behind the old town market and running southwardly along what is now known as Washington Street and continuing along North Carolina Highway No. 32 to the new boundary line on the South side of said town).

The Second Ward shall cover all that part of the said town that lies West of the center line of Washington Street, as above described, and up to the center line of Wilson Street and what is known as Beasley Lane (Wilson Street and Beasley Lane is described as beginning at the town limits on the southern side of said town in the center line of what is now known as Highway No. 64 and thence running northwardly with the center line of said highway to the center line of Wilson Street and with the center line of Wilson Street northwardly to Beasley Lane and with the center line of Beasley Lane and the same course thereof extended to the edge of Roanoke River).

The Third Ward shall cover all that part of the said town that lies West of the center line of Wilson Street, as above described, and up to the town limits of said town as fixed in this Act."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 91 CHAPTER 196

AN ACT AMENDING ARTICLE 10A OF THE GENERAL STATUTES, BEING THE COUNTY CAPITAL RESERVE ACT OF ONE THOUSAND NINE HUNDRED FORTY-THREE, AND PROVIDING FOR APPLICATION OF COLLECTIONS OF TAXES FOR SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

G. S. 153-142.9, amended as to expenditure by counties of capital reserve funds for special purposes.

SECTION 1. That Section 153-142.9 of the General Statutes shall be and the same is hereby amended by adding the following at the end of said Section: "(f) When the order authorizing and establishing a capital reserve fund contains, as provided in clause (1) (a) of Section 153-142.4, collections of ad valorem taxes levied for a special purpose, such special purpose."

G. S. 153-142.10, restrictions upon use of capital reserve fund, amended.

SEC. 2. That Section 153-142.10 of the General Statutes, as amended, shall be and the same is hereby amended by inserting a comma after "(b)" in line eight of said Section and by substituting "(d) and (f)" for "and (d)" in said line eight.

G. S. 153-142.11, authorization of withdrawal from capital reserve fund amended.

SEC. 3. That Section 153-142.11 of the General Statutes, as amended, shall be and the same is hereby amended by inserting a comma after "(d)" in line three of said Section and by substituting "(e) and (f)" for "and (e)" in said line three.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

SEC. 5. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 263 CHAPTER 197

AN ACT TO FIX THE FEES TO BE CHARGED BY THE REGISTER OF DEEDS OF FORSYTH COUNTY, N. C.

The General Assembly of North Carolina do enact:

Forsyth County, fees of Register of Deeds.

SECTION 1. The fees to be charged by the Register of Deeds of Forsyth County shall be as follows:

(a) For deeds, deeds of trust, and any other instruments to be recorded, for which no other provision is made herein, and whether written, printed, or typewritten, the fee shall be one dollar for the first page, plus fifty cents for each additional page or fraction thereof, minimum fee one dollar. This fee shall include the indexing of six names, whether grantors or grantees; but a fee of ten cents shall be charged for the indexing of each name over six in any one instrument.

(b) Chattel mortgage, regular form, fifty cents; otherwise, the same fee as provided in Subsection (a).

(c) Conditional sales contracts or other contracts covering personal property, when such instrument does not exceed 7½ inches in length and nine inches in width, fifty cents; plus fifty cents for one additional page of the same dimensions or fraction thereof; minimum fee fifty cents. *Provided,* if any such instrument shall contain more than one full page, then there shall be charged the same fee as that provided for in Subsection (a).

(d) Crop liens, minimum fee one dollar, which may include two pages; plus fifty cents for each page in addition to two.

(e) Issuing marriage license, one dollar; plus such tax as may be levied by the county commissioners.

(f) Certified copies of birth, marriage and death certificates, and discharges from military service, fifty cents each. (This Subsection (f) shall in nowise conflict with Section 34-15 of the General Statutes of North Carolina.)

(g) Certified copies of any record except those named in Subsection (f), the same fee as that charged for recording the original instrument.

(h) Plats, filing and indexing, fifty cents.

SEC. 2. Fees which are not provided for herein for services to be rendered by the register of deeds shall remain as now provided by law.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, and in particular Chapter 626 of the Public-Local Laws of the 1913 Session; and Chapter 177 of the Public-Local Laws of the 1913 Extra Session.

Conflicting laws repealed.

Ch. 626, Public-Local Laws, 1913, and Ch. 177, Public-Local Laws, Ex-Session, 1913, repealed.

SEC. 4. This Act shall become effective as of April 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 266 **CHAPTER 198**

AN ACT TO PRESCRIBE THE FEES FOR THE OFFICE OF CLERK OF THE SUPERIOR COURT OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Fees and commissions to be charged by the Clerk of the Superior Court of Lenoir County shall be the following and none other: *Provided, however,* that when a fee is not fixed herein, the fee to be charged therefor shall be as provided and

Lenoir County, fees and commissions of Clerk of the Superior Court.

Fees and commissions, Clerk Superior Court, Lenoir County (cont'd).

set out in the General Fee Bill of North Carolina and the fees herein set out shall be collected by the clerk as provided by law for the collection of said fees.

SEC. 2. The clerk shall not charge any fee of any public official of Lenoir County for the taking of a bond for the faithful performance of his official duties when the bond is payable to the county or State, or for administering of the prescribed oath thereto.

Acknowledgments, twenty-five cents (25c) for each person, including each private examination of a wife.

Administrator, appointment of, including taking application bond and justification, affidavit, making the order and issuing two copies of letters, four dollars ($4.00).

Adoption, complete, five dollars ($5.00) payable in advance.

Advertising and selling property, either real or personal under a mortgage deed, deed of trust or chattel mortgage given in lieu of bond, five per cent (5%) of sale price.

Affidavit, including jurat and certificate, twenty-five cents (25c).

Appeal from justice of the peace or other court inferior to the Superior Court, two dollars ($2.00).

Appeal from clerk to judge, one dollar ($1.00).

Appeal to the Supreme Court, including certificate and seal, two dollars ($2.00).

Assignment of judgment, the entry thereof, and indexing, fifty cents (50c).

Attachment order, one dollar ($1.00).

Auditing annual accounts of receivers, executors, guardians, administrators, administrators with will annexed, trustees for incompetents, trustees under wills, surviving partner, where the total receipts and disbursements do not exceed eleven thousand dollars ($11,000.00), the fee shall be twenty-five cents (25c) for each one hundred dollars ($100.00) on receipts and disbursements or a fraction thereof through one thousand dollars ($1,000.00). If the receipts and disbursements exceed one thousand dollars ($1,000.00), the fee shall be for the receipts and disbursements above one thousand dollars ($1,000.00) five cents (5c) on each one hundred dollars ($100.00) or a fraction thereof through eleven thousand dollars ($11,000.00). When the receipts and disbursements exceed eleven thousand dollars ($11,000.00), the fee for the amount of same above eleven thousand dollars ($11,000.00) shall be one-tenth of one per cent (.01%) of the amount of receipts and disbursements in excess of eleven thou-

sand dollars ($11,000.00), but in no event shall the fee be less than one dollar and fifty cents ($1.50), nor more than fifteen dollars ($15.00). Fees and commissions, Clerk Superior Court, Lenoir County (cont'd).

Auditing final accounts of receivers, executors, administrators, administrators with will annexed, collectors, trustees for incompetents, trustees under wills, guardians or surviving partner, the fee shall be fifty cents (50c) for each one hundred dollars ($100.00) or a fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00) and ten cents (10c) for each one hundred dollars ($100.00) or a fraction thereof on everything above one thousand dollars ($1,000.00) but in no event shall the fee be less than one dollar and fifty cents ($1.50), nor more than twenty-five dollars ($25.00): *Provided* that when stocks, bonds or any other personal property is delivered to any heir or distributee without converting the same into cash, these fees shall be computed and charged on the same just as though they had been converted into cash; the value of said stocks, bonds etc., to be fixed as of the date of death or qualification of fiduciary; *provided, however*, that there shall be no duplication of commissions on accounts on which commissions have been charged in former accounts filed and audited, and in auditing a final account commissions shall be charged only on items not already audited prior thereto.

Auditing final accounts of trustees, mortgagees, commissioners or other persons, firms or corporations selling real estate under foreclosure proceeding required to render such final report, the fee shall be twenty-five cents (25c) for each one hundred dollars ($100.00) of receipts and disbursements through one thousand dollars ($1,000.00) and ten cents (10c) on each one hundred dollars ($100.00) for everything above one thousand dollars ($1,000.00), *provided* that the minimum fee shall be one dollar ($1.00), and the maximum fee twenty-five dollars ($25.00).

Bills of costs, preparing same, twenty-five cents (25c).

Bond or undertaking, including justification, sixty cents (60c).

Capias, each defendant, one dollar ($1.00).

Caveat to a will, entering and docketing same for trial, two dollars and fifty cents ($2.50).

Certificate and seal, fifty cents (50c).

Citations, the issuance thereof, one dollar ($1.00).

Commissions, issuing, one dollar ($1.00).

Commissions: The clerk shall receive five per cent (5%) of all sums of money placed in his hands by virtue of his office except judgments, decrees, and executions.

Fees and commissions, Clerk Superior Court, Lenoir County (cont'd).

Commissions: Five per cent (5%) shall be allowed the clerk on all fines, penalties, amercements and taxes paid him by virtue of his office.

Confirmation of sale, whether signed by clerk or judge: One dollar ($1.00).

Continuance in criminal and civil cases: Thirty-five cents (35c).

Corporations: Recording certificate of incorporation: Three dollars ($3.00).

Corporations: Recording amendments to corporation certificates, three dollars ($3.00).

Corporations, recording certificate of dissolution, one dollar ($1.00).

Docketing Ex Parte proceeding, fifty cents (50c).

Docketing indictments as to each defendant sixty cents (60c).

Docketing judgments in civil cases, fifty cents (50c) for first copy sheet, plus thirty cents (30c) for each additional copy sheet.

Docketing warrants, twenty-five cents (25c).

Docketing criminal cases, appeal from inferior courts, fifty cents (50c).

Docketing presentment as to each defendant sixty cents (60c).

Execution and return thereon, fifty cents (50c).

Executors, administrators with will annexed, collectors, trustees for incompetents, trustees under wills, guardian or surviving partner, appointment of, including taking application, affidavit, making the order, and two copies of letters, four dollars ($4.00).

Filing papers, five cents (5c) for each paper filed in each case.

Guardian ad litem, appointment of, one dollar ($1.00).

Hearing before the clerk, two dollars ($2.00) for each hour or fraction thereof.

Indexing, name of each party to any action or proceeding required to be cross-indexed or indexed by law, five cents (5c) for each name each time crossed-indexed or indexed.

Inventory of lock box of deceased person, two dollars ($2.00) for each hour or fraction thereof.

Judgment by confession without notice, three dollars ($3.00).

Fees and commissions, Clerk Superior Court, Lenoir County (cont'd).

Judgment final in civil cases, signed by either clerk or judge, one dollar ($1.00).

Judgment final in criminal actions, one dollar ($1.00).

Judgment nisi and issuing sci fa, one dollar ($1.00).

Judgment and/or allotment in favor of widow's years support, including docketing, recording and indexing, one dollar and fifty cents ($1.50).

Letters, certified copies issued to administrator, executor, guardian or other fiduciary, except two copies furnished at time of qualification, each fifty cents (50c).

Liens, docketing fifty cents (50c) plus recording fee.

Lis Pendens, docketing notice of and cancelling, fifty cents (50c) plus recording fee.

Minutes, fifty cents (50c) for first copy sheet plus thirty cents (30c) for each additional copy sheet, except judgments in civil actions.

Motions, entry and record of in civil actions, one dollar ($1.00); in criminal actions, one dollar ($1.00).

Next friend, appointment of, one dollar ($1.00).

Notary public, qualifying and indexing, seventy-five cents (75c).

Notices, twenty-five cents (25c) and for each name over one in same paper, ten cents (10c).

Order of arrest, each defendant, one dollar ($1.00).

Nurses, doctors, surgeons, chiropractors, chiropodists, optometrists, osteopaths, etc. registering, fifty cents (50c).

Orders, enlarging time for pleading, and all interlocutory orders, twenty-five cents (25c).

Partnership, trade names, docketing and indexing, fifty cents (50c) plus recording fees.

Probate of all instruments except wills, twenty-five cents (25c), except notes, chattel mortgages and short form lien bonds which shall be ten cents (10c).

Probate of will, common form, one dollar ($1.00) plus recording fees.

Probate of deed of separation, including private examination of wife, one dollar ($1.00).

Postage, actual amount necessarily expended.

Recording and copying papers, not otherwise provided for, fifty cents (50c) for first copy sheet and twenty cents (20c) for each additional copy sheet.

Summons, each original or alias, in civil actions or special proceeding, one dollar ($1.00), for each copy thereof twenty-five cents (25c).

Subpoena, each name, fifteen cents (15c).

Seal of office, when necessary, twenty-five cents (25c).

Transcript or copy of any matter of record or paper on file, twenty cents (20c) per copy sheet.

Transcript of judgment, regular form, fifty cents (50c).

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. That this Act shall be in full force and effect ten days after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 289 CHAPTER 199

AN ACT TO AMEND SECTION 2 OF CHAPTER 101 OF THE PRIVATE LAWS OF 1887 AS AMENDED BY SECTION 1 OF CHAPTER 120 OF THE PRIVATE LAWS OF 1889 SO AS TO CLARIFY AND REDEFINE THE CORPORATE LIMITS OF THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Ch. 101, Private Laws, 1887, amended.

SECTION 1. That in order to clarify and redefine the corporate limits of the Town of Rockingham, Section 2 of Chapter 101 of the Private Laws of 1887 as amended by Section 1 of Chapter 120 of the Private Laws of 1889 is hereby amended so as to define the corporate limits of the Town of Rockingham as follows:

Town of Rockingham, corporate limits redefined.

That the corporate limits of said town shall be and are hereby declared to be included within and up to the following boundaries, to-wit: Beginning at an iron spike in the intersection of the center line of U. S. Highway No. 1 and Skipper Street, said point being North 77° 22′ East 188 feet from the southwest corner of the Richmond Park Subdivision, a plat of said subdivision being on record in the office of the Register of Deeds for Richmond County in Book 1, at page 259; and running thence South 11° 36′ East 2241 feet along Skipper Street to a stake on the North bank of Falling Creek, a 4-inch sweet gum witness;

thence down the various courses of said creek to Great Falls factory pond, thence down the various courses of low water mark on the northern edge of said pond to Falling Creek below the Falls; thence with said creek to Hitchcock Creek, thence up the various courses of the southern edge of said creek to the northwest corner of the lot belonging to the estate of Harvey Terry, deceased; then with the West line of said lot South twelve degrees East five chains to a stake; thence South seventy degrees East eight chains and sixty-one links to the southwest corner of the lot now owned by R. L. Steele and H. A. Ledbetter; thence with their various lines on the South side of said lot to Rockingham spring branch; thence down the various courses of said branch to said Hitchcock Creek; thence up the various courses of southern edge of said creek to the Old Leak Pond, thence with the southern edge of said pond to the line of Pee Dee Village, thence with the various lines South of Hitchcock of said village to the southern edge of "Pee Dee" pond, thence with the southern edge of said pond to a stake on the old water line of the pond, maple, and fork beech witnesses, and running thence from said point South 11° 36′ East 5,793 feet to the beginning.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 301 **CHAPTER 200**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF SWAIN COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED, EXCEPT TAXES LEVIED FOR SCHOOL PURPOSES, FOR THE YEAR 1940 AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Swain County be, and is hereby, authorized and empowered, in its discretion, to turn into the general fund of the county the proceeds of all uncollected taxes which may hereafter be collected for the year 1940, and all prior years: *Provided, however,* that all of the taxes levied for said years for school purposes shall be paid over to the Board of Education of Swain County and, in its discretion, placed in the current expense or general fund of said board of education. Swain County, certain delinquent tax collections payable to general fund. School taxes.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 337 CHAPTER 201

AN ACT TO AMEND G. S. 58-226, G. S. 58-227 AND G. S. 58-228, RELATING TO THE OPERATION OF MUTUAL BURIAL ASSOCIATIONS.

The General Assembly of North Carolina do enact:

G. S. 58-226, relating to mutual burial associations, amended as to assessment for cost of supervision.

SECTION 1. G. S. 58-226, as amended, is further amended by striking out the last sentence of Article 13 of said Section, as the same is set out in the 1947 Cumulative Supplement to the General Statutes of North Carolina.

G. S. 58-226, further amended.

SEC. 2. G. S. 58-226, as amended, is hereby further amended by rewriting Article 18 thereof, so as to read as follows:

Annual statement of mutual burial association.

"Each year, before the annual meeting of the membership of this association, the association shall cause to be published in a newspaper of general circulation in the county in which such association has its principal place of business, or shall cause to be mailed to each member in good standing a statement showing total income collected, expenses paid and burial benefits provided for by such association during the next preceding year.

G. S. 58-227, amended to reduce fee of association soliciting agents.

SEC. 3. G. S. 58-227, as amended, is hereby further amended by striking out the words and figures "ten dollars ($10.00)" in line 29, as the same appears in the 1947 Cumulative Supplement to the General Statutes of North Carolina, and inserting in lieu thereof the words and figures "five dollars ($5.00)".

G. S. 58-228, amended.

SEC. 4. G. S. 58-228, as amended, is hereby further amended by rewriting the first sentence thereof, as the same appears in the 1947 Cumulative Supplement to the General Statutes of North Carolina, so that said sentence shall read as follows:

Assessments against associations for supervision expense increased.

"In order to meet the expense of supervision, the Burial Association Commissioner shall prorate the amount of the supervisory cost (over and above any other funds in his hands for this purpose), and assess each association on a pro rata basis in accordance with the number of members of each association, which total assessment shall in no case exceed thirty-six thousand five hundred dollars ($36,500.00), and each such association shall remit to the Burial Association Commissioner its pro rata part of the assessment, as fixed by the Burial Association Commissioner, which expense shall be included in the twenty-five per cent expense allowance as provided in Article 13."

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 352 CHAPTER 202

AN ACT TO AMEND CHAPTER 541 OF THE SESSION LAWS OF 1945 SO AS TO AUTHORIZE CUMBERLAND COUNTY TO LEVY A SPECIAL TAX FOR THE POOR NOT EXCEEDING TWENTY-FIVE CENTS.

The General Assembly of North Carolina do enact:

SECTION 1. Section one of Chapter 541 of the Session Laws of 1945 is hereby amended by striking out the words and figures "fifteen cents (15c)" appearing between the words "exceed" and "on", in line 12 of said Section, and inserting in lieu thereof the following: "twenty-five cents (25c)". Ch. 541, Session Laws, 1945, amended to increase rate of special levy for certain public purposes, Cumberland County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 377 CHAPTER 203

AN ACT TO VALIDATE CERTAIN CONVEYANCES OF REAL PROPERTY MADE BY THE FRANKLINTON TOWNSHIP SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. All conveyances of real property made by the Franklinton Township School District, either by private or public sale, in the year 1947 and prior years are hereby validated. Franklinton Township School District, conveyances of real property validated.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. The provisions of this Act shall not affect pending litigation. Pending litigation unaffected.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. B. 398 **CHAPTER 204**

AN ACT TO AUTHORIZE THE GOVERNOR OF NORTH CAROLINA TO EXECUTE, ON BEHALF OF THE STATE, A DEED CONVEYING CERTAIN PROPERTY IN WAKE COUNTY TO SHAW UNIVERSITY FOR ATHLETIC, EDUCATIONAL AND RECREATIONAL PURPOSES, AND TO AUTHORIZE THE CITY OF RALEIGH TO RELEASE A PORTION OF SAID PROPERTY FROM A LEASE OF THE SAME WHICH IT NOW HOLDS FROM THE STATE OF NORTH CAROLINA.

Preamble: Desire to convey State owned property to Shaw University.

WHEREAS, the State of North Carolina is the owner of certain lands hereinafter described which it desires to convey to Shaw University to be used by said University for athletic, educational and recreational purposes; and

Long term lease to City of Raleigh.

WHEREAS, the City of Raleigh now holds a long-term lease on a portion of said property; and

Desire of city to release interest.

WHEREAS, it is the desire of the City of Raleigh to release its interest in said land by a proper conveyance: *Now, therefore,*

The General Assembly of North Carolina do enact:

Conveyance of property to Shaw University authorized.

SECTION 1. The Governor of the State of North Carolina, with the approval of the Council of State, is hereby authorized to convey to Shaw University to be used by said University for athletic, educational and recreational purposes the following described land:

Description of property.

Beginning at a stake on the northeasterly side of Smithfield Street, said point being 283.8 feet from the East curb of South East Street and running thence North 45 degrees 30 minutes East 300 feet to a stake; thence South 86 degrees 20 minutes East 435.2 feet to a stake; thence South 33 degrees 00 minutes East 117.2 feet to a stake; thence South 16 degrees 25 minutes East 242.3 feet to a stake on the North edge of South Boundary Street; thence North 84 degrees 30 minutes West 704.5 feet to a stake on the northeasterly edge of Smithfield Street; thence North 44 degrees 30 minutes West 113.5 feet to the point of the beginning, containing 4.7 acres more or less.

Release of interest of City of Raleigh.

SEC. 2. The City of Raleigh is hereby authorized to release to Shaw University all its interest in the following described land:

Beginning at a stake on the West side of Chavis Drive approximately 160 feet South of the tennis courts in Chavis Park and runs thence South 33 degrees 00 minutes East 117.2 feet to a stake; thence South 16 degrees 25 minutes East 242.3 feet to a stake in the northern edge of South Boundary Street; thence North 84 degrees 30 minutes West 211.5 feet to a stake; thence North 15 degrees 10 minutes West 229.3 feet to a stake; thence North 63 degrees 30 minutes West 99 feet to a stake;

thence North 38 degrees 30 minutes West 80 feet to a stake; thence South 86 degrees 20 minutes East 278.7 feet to the point of the beginning, containing 1.7 acres more or less.

Reversion of property to State if not used for specified purposes.

SEC. 3. The deed referred to in Section 1 of this Act shall contain a condition that Shaw University shall have and use the property conveyed only so long as it shall be used for athletic, educational and recreational purposes, and that at such time as it is no longer used for said purposes, it shall immediately revert to the State of North Carolina free and discharged of any right, title or interest therein conveyed.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

S. B. 114 **CHAPTER 205**

AN ACT TO AMEND SECTION 1-99 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE PUBLICATION OF SUMMONS IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

G. S. 1-99, amended as to publishing cost of service by publication in civil actions.

SECTION 1. That Section 1-99 of Chapter 1 of the General Statutes of North Carolina is hereby amended by striking out the sentence therein reading as follows: "The cost of publishing in a newspaper shall not exceed one dollar and fifty cents an inch of solid type, and shall in no case exceed six dollars for the notice." and inserting in lieu thereof the following sentence: "The cost of publishing a summons in a newspaper shall be in accordance with the provisions of Section 1-596 of the General Statutes of North Carolina."

G. S. 1-596, charges for legal advertising, amended.

SEC. 1½. That Section 1-596 of the General Statutes, as amended by Chapter 635, Session Laws of North Carolina, 1945, be further amended by striking out the sentence reading as follows: "The foregoing provisions of this Section are subject to the further limitations prescribed by Section 1-99 with respect to the cost of service by publication."

Exception.

SEC. 2. The provisions of this Act shall not apply to Nash County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

S. B. 156 **CHAPTER 206**

AN ACT TO FIX THE SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF RUTHERFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Rutherford County, salary of Sheriff.

SECTION 1. From and after January 1, 1949, the present salary of the Sheriff of Rutherford County shall be four thousand three hundred twenty dollars ($4,320.00) per annum.

Salary of Clerk of the Superior Court.

SEC. 2. From and after January 1, 1949, the present salary of the Clerk of the Superior Court of Rutherford County shall be four thousand three hundred twenty dollars ($4,320.00) per annum.

Salary of Register of Deeds.

SEC. 3. From and after January 1, 1949, the present salary of the Register of Deeds of Rutherford County shall be three thousand seven hundred fifty dollars ($3,750.00) per annum.

Salaries in lieu of fees, commissions, etc.

SEC. 4. The said sheriff, Clerk of the Superior Court and register of deeds shall not be paid or receive any other salaries, commissions or fees in addition to the above for all their services rendered.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

S. B. 166 **CHAPTER 207**

AN ACT TO AMEND CHAPTER 809 SESSION LAWS OF 1947, RELATING TO ALLOCATION OF THE NET PROFITS FROM THE ALCOHOLIC BEVERAGE CONTROL STORES IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 809, Session Laws, 1947, relating to allocation of net profits from ABC Stores, Warren County, amended.

SECTION 1. That Section 1 of Chapter 809, Session Laws of 1947, be and the same is hereby amended in the following particulars:

(a) That the figures "1947" in line one (1) be stricken out and the figures "1949" be inserted in lieu thereof.

(b) That the words and figures "ten per cent (10%)" in lines six (6), eight (8), ten (10) and eleven (11) be stricken out and the words and figures "fifteen per cent (15%)" be inserted in lieu thereof.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed to the extent they are in conflict with this Act.

SEC. 3. That this Act shall be in full force and effect from and after the 1st day of July, 1949.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

H. B. 36 **CHAPTER 208**

AN ACT TO AMEND G. S. 9-28, RELATING TO THE DUTIES OF THE GRAND JURY.

The General Assembly of North Carolina do enact:

G. S. 9-28, amended as to inspections and reports of grand jury.

SECTION 1. G. S. 9-28 is hereby amended by adding the following paragraph at the end of the Section:

"It shall not be necessary for any grand jury in any county to make any inspections or submit any reports with respect to any county offices or agencies other than those required by the first paragraph of this Section, nor for any Judge of the Superior Court to charge the grand jury with respect thereto."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall become effective from its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

H. B. 295 **CHAPTER 209**

AN ACT TO PROVIDE A HOG CHOLERA PREVENTION FOR MARTIN COUNTY AND TO PERMIT THE SALE AND USE OF HOG CHOLERA VACCINE THEREFOR.

The General Assembly of North Carolina do enact:

Martin County, program for prevention of hog cholera.

SECTION 1. The Board of Commissioners of Martin County are hereby authorized and empowered to promote a county wide program for the prevention of hog cholera and to carry out such program the county commissioners may designate and appoint such person or persons who are endorsed and approved by county farm agent and are prepared by instruction and experience to perform the service of vaccinating of hogs in Martin County, as legally qualified vaccinators to perform that service for the hog raisers of the county. A list of such persons as are designated and appointed by the commissioners shall be kept in the office of the county farm agent for information for the benefit of hog raisers.

Appointment of vaccinators.

Provision for sale and distribution of vaccine.

SEC. 2. The county board of commissioners shall designate such person or persons as they deem advisable to purchase, sell and distribute for use in Martin County any vaccine, virus or serum or any other supplies for use by approved vaccinators for the prevention of hog cholera; such vaccine, virus or serum shall be of standard quality and manufactured in conformity with the provisions of Section 4,879 of the Consolidated Statutes, and it shall be lawful for such person or persons to so distribute and sell such vaccine, virus or serum as is provided and the board of commissioners shall provide adequate refrigeration space to such person or persons having sufficient quantity of vaccine, virus or serum sufficient for the purpose of this Act. The vaccinators provided for in this Act shall perform their service free other than cost of vaccine, virus or serum and other equipment: *Provided* that the county commissioners have authority to revoke for cause any appointment made under the authority of this Act.

Hogs to be quarantined at time of inoculation.

SEC. 3. All hogs that are inoculated with a product containing a living virus or organism shall be quarantined by the person inoculating the same at the time of inoculation in accordance with the State regulations.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

H. B. 416 **CHAPTER 210**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JONES COUNTY TO MAKE A CONTRIBUTION TOWARD THE CONSTRUCTION AND EQUIPPING OF AN EXHIBIT BUILDING OF THE JONES COUNTY LEGION FAIR.

The General Assembly of North Carolina do enact:

Jones County, appropriation to County Legion Fair for exhibit building.

SECTION 1. The Board of Commissioners of Jones County is hereby authorized and empowered, in its discretion, to appropriate and contribute from any available funds the sum not to exceed $1,000.00 to the Jones County Legion Fair, to be used and expended toward the construction and equipping of an exhibit building to be constructed and operated by said Jones County Legion Fair and in connection therewith.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

H. B. 433 **CHAPTER 211**

AN ACT AUTHORIZING THE GOVERNING BODY OF CITY OF DURHAM TO TEMPORARILY INVEST ITS FUNDS UNTIL SUCH TIME AS THEY MAY BE USED FOR THE PURPOSES AUTHORIZED.

The General Assembly of North Carolina do enact:

City of Durham, temporary investment of certain funds authorized.

SECTION 1. That if for any reason the governing body of the City of Durham finds that the whole or any part of the proceeds of the sale of bonds heretofore or hereafter issued by the City of Durham cannot be advantageously used at one time for the purposes authorized, or that there are funds derived from other sources which cannot be presently used for the purposes for which the said funds accrued, then and in either of such events the governing body of the City of Durham may invest such proceeds, or the portion thereof which will not be presently used, in either bonds, notes or certificates of indebtedness of the United States of America, or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina, or in bonds of Durham County or City of Durham or of any county, city or town of North Carolina which have been

approved by the Local Government Commission for the purpose of such investment, until such time as said funds can be used for such purposes. Nothing in this Act shall be construed as permitting monies from realization of such investment, by sale or by payment, to be applied to any purpose other than that now authorized by law, except that such monies may be reinvested in the bonds, notes or certificates of indebtedness herein provided for investment. Earnings from the investment of proceeds of sale of bonds may be applied to payment of the interest or principal of the bonds from the sale of which such proceeds were derived or may be applied as increment to such proceeds, and earnings from the investment of other funds shall be applied as increment to such funds.

Use of earnings from investments.

Application of Act.

SEC. 2. This Act shall apply only to the City of Durham.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

H. B. 445

CHAPTER 212

AN ACT TO AMEND CHAPTER 245 OF THE SESSION LAWS OF 1947, RELATING TO THE COUNTY COMMISSIONERS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Ch. 245, Session Laws, 1947, amended as to division of county into districts for election of commissioners, Pender County.

SECTION 1. Subsection 3 of Section 1 of Chapter 245 of the Session Laws of 1947 is hereby amended by striking out the word "Caintuck" in line 2, and inserting in lieu thereof the word "Grady".

SEC. 2. Subsection 4 of Section 1 of Chapter 245 of the Session Laws of 1947 is hereby amended by striking out the word "Grady" in line 1, and inserting in lieu thereof the word "Caintuck".

Chapter further amended as to election of County Commissioners.

SEC. 3. Section 3 of Chapter 245 of the Session Laws of 1947 is hereby amended by adding the word "only" at the end of line 3; said Section is further amended by striking out the words "the entire county" in line 4, and inserting in lieu thereof the words "such district"; and said Section is further amended by striking out the words "for candidates from his" in line 6, and inserting in lieu thereof the words "in such".

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

S. B. 144 CHAPTER 213

AN ACT TO AMEND G. S. 147-69.1 RELATING TO THE INVESTMENT OF SURPLUS STATE FUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 147-69.1 is hereby amended by rewriting the same to read as follows: G. S. 147-69.1, amended.

"It shall be the duty of the State Treasurer, with assistance of the Director of the Budget, on or before the tenth day of each calendar month, and upon request of the Governor or the Council of State, at any other time, to carefully analyze the amount of cash in the General Fund of the State and in all special funds credited to any special purpose designated by the General Assembly or held to meet the budgets or appropriations for maintenance and permanent improvements of the several institutions, boards, departments, commissions, agencies, persons or corporations of the State, and to determine in his opinion when the cash in any such funds is in excess of the amount required to meet the current needs and demands on such funds, and report his findings to the Governor and the Council of State. Report of State Treasurer as to surplus State funds.

The Governor and the State Treasurer, acting jointly, with the approval of the Council of State, are hereby authorized and empowered to deposit such excess funds at interest with any official depository of the State upon such terms as may be authorized by applicable laws of the United States and the State of North Carolina, or to invest such excess funds in bonds or certificates of indebtedness or treasury bills of the United States of America, or in bonds, notes or other obligations of any agency or instrumentality of the United States of America, when the payment of principal and interest thereof is fully guaranteed by the United States of America, or in bonds or notes of the State of North Carolina, or in certificates of deposit issued by banks or official depositories within the State of North Carolina yielding a return at rates not less than U. S. Treasury Notes and Certificates of Indebtedness of comparable maturities. The said funds shall be so invested that in the judgment of the Governor and State Treasurer they may be readily converted into money at such time as the money will be needed. Deposit or investment of surplus funds.

The interest received on all such deposits and the income from such investments, unless otherwise required by law, shall be paid into the State's General Fund. Interest and income payable to State's General Fund.

Report of State Treasurer to General Assembly.

"The State Treasurer shall include in his biennial reports to the General Assembly a full and complete statement of all funds invested by virtue of the provisions of this Section, the nature and character of investments therein, and the revenues derived therefrom, together with all such other information as may seem to him to be pertinent for the full information of the General Assembly with reference thereto.

Quarterly statements of State Treasurer.

"The State Treasurer shall also cause to be prepared a quarterly statement on or before the tenth day of each January, April, July, and October in each year. This statement shall show the amount of cash on hand, the amount of money on deposit and the name of each depository, and all investments for which he is in any way responsible. This statement shall be delivered to the Governor as Director of the Budget, and a copy thereof shall be posted in the office of the State Treasurer for the information of the public."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

S. B. 165 CHAPTER 214

AN ACT RELATING TO THE BOND OF THE COUNTY SUPERINTENDENT OF SCHOOLS OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

Warren County, bond of county superintendent of schools.

SECTION 1. The County Board of Education of Warren County shall require the county superintendent of schools of said county to give bond in the sum of fifteen thousand dollars ($15,000.00), conditioned upon the faithful performance of his duties as county superintendent of schools and for the payment over to the proper authorities of said county all of the funds which shall come into his hands. The premium on said bond shall be paid by the county board of education.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

H. B. 113 **CHAPTER 215**

AN ACT TO FIX THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 14-335, as amended, is hereby further amended by striking out the word "Graham" from line 5 of Subsection 1 as the same appears in the 1947 Supplement to the General Statutes; said Section is further amended by adding the words "and in Graham County" to line 7 of Subsection 8.

G. S. 14-335, amended as to penalty for public drunkenness, Graham County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

H. B. 246 **CHAPTER 216**

AN ACT TO AMEND CHAPTER 661 OF THE SESSION LAWS OF 1947, RELATING TO THE HOLDING OF CARNIVALS IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The proviso in Section 1 of Chapter 661 of the Session Laws of 1947 is amended to read as follows:

Ch. 661, Session Laws, 1947, regulating carnivals, Vance County, amended.

"*Provided, further,* that this Section shall not apply to any carnival or amusement enterprise conducted under the auspices of Post No. 60 of the American Legion or of the local post of Veterans of the Foreign Wars; *provided* said carnival or amusement enterprise is not conducted within 60 days prior to the holding of the agricultural fair conducted by the Golden Belt Fair Association, Incorporated."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

H. B. 320 CHAPTER 217

AN ACT TO AMEND G. S. 14-335, RELATING TO THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

G. S. 14-335, amended as to penalty for public drunkenness, Lenoir County.

SECTION 1. G. S. 14-335, as amended, is hereby further amended by striking out the word "Lenoir" in line 6 of Subsection 1 as the same appears in the 1947 Supplement to the General Statutes; said Section is further amended by striking out the word "county" in line 1 of Subsection 12 and by inserting in lieu thereof the words "and Lenoir Counties."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

H. B. 365 CHAPTER 218

AN ACT RELATING TO THE DISTRIBUTION OF THE PROFITS FROM THE OPERATION OF LIQUOR STORES IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 619, Public-Local Laws, 1937, amended.

SECTION 1. Section 1 of Chapter 619 of the Public-Local and Private Laws of 1937 is amended by rewriting said Section to read as follows:

Martin County, distribution of net profits of liquor stores.

"SECTION 1. From the profits of any liquor stores which are or may hereafter be operated in Martin County, the treasurer of said county shall, at the end of each quarterly period after an accounting has been received by him from the County Board of Alcoholic Control, allocate twenty-five per cent (25%) of the net profits received by the county from the operation of a liquor store or stores to be divided among, and paid to the treasurers of, the incorporated cities and towns as hereinafter set out:

"Eighty-seven and one-half per cent (87½%) of the twenty-five per cent (25%) of the net profits allocated to the incorporated towns in said County shall be allocated to them on the basis of the population of each town according to the last available census figures, and according to each subsequent census figure. The remaining twelve and one-half per cent (12½%) of such net profits shall be allocated to the towns in Martin

County in which Alocholic Beverage Control Stores are located, to be divided among them according to population."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective as of July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

H. B. 418 CHAPTER 219

AN ACT TO EXEMPT CHOWAN COUNTY (AND TYRRELL COUNTY) FROM THE PROVISIONS OF SECTION 67-13 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The provisions of Section 67-13 of the General Statutes of North Carolina shall not apply to the County of Chowan and the County of Tyrrell; and the County of Chowan and the County of Tyrrell are hereby exempted therefrom. G. S. 67-13, payment for damages by dogs, etc., amended to exempt Chowan and Tyrrell Counties.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

H. B. 420 CHAPTER 220

AN ACT TO AMEND CHAPTER 181 OF THE SESSION LAWS OF 1947 RELATING TO THE TERMS OF OFFICE OF THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF VALDESE AND PROVIDING FOR THE ELECTION OF COMMISSIONERS BY WARDS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 2 of Chapter 181 of the Session Laws of 1947 is hereby amended by rewriting same to read as follows: Ch. 181, Session Laws, 1947, amended.

"SEC. 2. That at the next municipal election held in the Town of Valdese, subsequent to the ratification of this Act, the mayor and members of the board of commissioners shall be elected as follows: Town of Valdese, election of mayor and board of commissioners.

"(a) The mayor shall be elected by the voters at large, and shall serve for a term of two years and until his successor shall be elected and qualified.

"The members of the board of commissioners shall be elected by the voters of the ward in which they are candidates for commissioner, and not by the voters of the town at large. Each candidate for the office of commissioner shall have been a resident of the ward from which he is a candidate for a period of not less than three months next preceding the date of the election. The members of the board of commissioners shall serve for a term of four years, and until their successors in office have been duly elected and qualified, *provided, however*, that at the next regular municipal election conducted in the Town of Valdese, subsequent to the passage of this Act, the commissioners elected from Ward 1, Ward 2, and Ward 3 shall be elected for a term of four years, and their successors in office shall serve for a term of four years, and the commissioners elected from Ward 4 and Ward 5 shall be elected for a term of two years but their successors in office shall be elected for a term of four years.

Terms of commissioners.

"A separate ballot shall be prepared for each ward. Said ballots shall show the names of all the duly entered candidates for mayor, and the names of all the duly entered candidates for the office of commissioner for the particular ward for which the ballot is prepared.

Separate ballots for each ward.

"All ballots shall, as far as possible, conform to the ballot prescribed in the State Australian Ballot Law. The ballot shall be headed 'Official Ballot, Town Election, Valdese, North Carolina, Ward .....' (add here the number of the ward for which the ballot is prepared). Said ballot shall under the above caption next contain the words 'For Mayor' with the directions thereunder 'Vote for One' followed by the names of all the duly entered candidates for mayor, and the voter shall indicate his choice for mayor by making a cross (X) mark in the square to the left of the name of his choice. Each set of ballots for the several wards shall then contain the words 'For Commissioner, Ward.....' (add the number of the ward), with the directions 'Vote for One' and with the names thereunder of all duly entered candidates for the office of commissioner from the particular ward for which the ballot is prepared. A square shall be placed opposite and on the left of each name, and the voter shall indicate his choice for the office of commissioner by making a cross (X) mark in the square to the left of the candidate's name. Next said ballot shall contain the words 'Election .....19.....' properly filled in as to the date of such election. Next shall follow the facsimile signature of the town clerk followed by the words 'Town Clerk, Valdese, North Carolina'.

Form of ballots.

"(b) The names of the various candidates for mayor and for commissioner in each ward shall be alternated on the printed ballots so as to, as near as may be, cause each to occupy the first, second, or other position on the same number of ballots

Arrangement and marking of ballots.

which shall be printed and distributed to each of said wards. Each voter shall have the right to vote for one candidate for commissioner and one candidate for the office of mayor. Should there be marked the names of more than one candidate for mayor, it shall be void as a ballot for mayor, or if the names be marked of more than one candidate for commissioner the said ballot shall be void as a ballot for commissioner.

"(c) The candidate for mayor on said ballots who shall receive the greatest aggregate number of votes at such election shall be declared elected mayor, and the candidate in each ward receiving the greatest number of votes shall be declared elected commissioner from the ward in which he was a candidate. Candidates receiving majority vote declared elected.

"(d) That said election shall be conducted in all respects as municipal elections for the Town of Valdese have heretofore been conducted, except as herein provided. All voting precincts for all wards shall be located in the town hall. Separate ballot boxes shall be maintained for each ward. Conduct of election.

"(e) All persons desiring to become a candidate for the office of mayor or for the office of commissioner from a ward shall at least seven days prior to the date of said election file notice of his intention to become a candidate with the town clerk, and shall pay a filing fee, the amount of which shall be determined by the Governing Body of the Town of Valdese, but in no instance to exceed $5.00." Notice of candidacy. Filing fee.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

H. B. 429 CHAPTER 221

AN ACT TO SUBMIT TO THE VOTERS OF THE TOWN OF OXFORD THE QUESTION OF ADOPTING THE CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

SECTION 1. At the regular municipal election to be held in the Town of Oxford on Monday, May 2, 1949, there shall be submitted to the qualified voters of the Town of Oxford the following amendment to the town charter: Town of Oxford, election on adoption of city manager form of government.

"The board of commissioners shall appoint a city manager who shall be the administrative head of the city government and shall be responsible for the administration of all depart-

ments. He shall be appointed with regard to merit only and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the board of commissioners and shall receive such compensation as it shall fix by ordinance.

"The city manager so appointed shall have all the powers and duties as are now or may hereafter be prescribed for city managers under the "Plan D" form of city government as set out in the General Statutes of North Carolina."

Issue submitted.

SEC. 2. The question of the adoption of this amendment shall be submitted to the voters of the Town of Oxford at the said election, at which election all those who favor the adoption of the amendment shall vote a ballot upon which shall be printed or the words written, "For amendment providing for city manager", and all those who oppose the adoption of the amendment shall vote a ballot upon which shall be printed or the words written, "Against amendment providing for city manager". If in said election a majority of the votes cast shall be "For amendment providing for city manager", the amendment as prescribed in Section one of this Act, shall be adopted and become a part of the Charter of the Town of Oxford; but if a majority of the votes cast shall be "Against amendment providing for city manager", such amendment shall not become a part of the Charter of the Town of Oxford.

Adoption of city manager form of government in event of majority vote therefor.

Ch. 302, Private Laws, 1913, amended.

SEC. 3. Chapter 302 of the Private Laws of 1913, as amended, is hereby further amended by striking out in lines four and five of Section one thereof the words "The Board of Commissioners of Oxford" and substituting in lieu thereof the words "City of Oxford". All references to "The Board of Commissioners of Oxford" in the Charter of the Town of Oxford or in other laws affecting the Town of Oxford shall be deemed to mean "City of Oxford". This change shall have no effect on any bonds or obligations of the Town of Oxford.

"Board of Commissioners of Oxford" deemed to mean "City of Oxford."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

H. B. 435 CHAPTER 222

AN ACT TO AMEND CHAPTER 43 OF THE PRIVATE LAWS OF 1933 AND CHAPTER 397 OF THE PRIVATE LAWS OF 1901 RELATING TO THE TIME FOR HOLDING PRIMARY ELECTIONS IN THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 43 of the Private Laws of 1933 is hereby amended by striking out in lines six and seven of said Section the words and figures "Wednesday in April, 1933," and inserting in lieu thereof the words and figures "Saturday in April, 1949,". Ch. 43, Private Laws, 1933, amended as to date of city primary, City of Goldsboro.

SEC. 2. Section 12 of Chapter 397 of the Private Laws of 1901 is amended by inserting in line nine of said Section after the comma following the words and figures "10 o'clock A. M." and before the word "on" the words "on Monday succeeding the day of the primary and". Ch. 397, Private Laws, 1901, as to date of meeting of Board of Canvassers.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1949.

S. B. 31 CHAPTER 223

AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, PUBLIC SCHOOLS, AND AGENCIES, AND FOR THE SPECIFIC PURPOSE OF PROVIDING ADDITIONAL SALARIES FOR PUBLIC SCHOOL TEACHERS AND OTHER STATE EMPLOYEES AND TO AMEND CHAPTER 500 OF 1947, THE SAME BEING THE GENERAL APPROPRIATIONS ACT FOR THE BIENNIUM 1947-49.

WHEREAS, the cost of living has advanced considerably since the appropriations were made for salaries of public school teachers and other State employees by the Legislature of 1947; and Preamble: Advanced cost of living since 1947.

WHEREAS, the same economic conditions which have reduced the purchasing power of the salaries paid public school teachers and other State employees, have greatly increased the revenues of the State, thereby placing the State is a more favorable financial position than was contemplated, and Increased State revenues.

Effect of inflated prices on teachers and state employees.

WHEREAS, the State has prospered because of increased business and inflated prices and public school teachers and other State employees have suffered because their salaries have not kept pace with the general increase in the cost of living: *Now, therefore,*

The General Assembly of North Carolina do enact:

GENERAL FUND

Supplemental appropriations from General Fund.

SECTION 1. That supplemental appropriations out of the General Fund of the State for the State's departments, bureaus, institutions, and agencies, and for the specific purpose of providing additional salaries for public school teachers and other State employees, are hereby made for the fiscal year ending June 30, 1949, according to the following schedule:

Judicial.

II. JUDICIAL

	1948-49
1. Supreme Court—	
Departmental Expense	$ 5,659

Executive and administrative.

III. EXECUTIVE AND ADMINISTRATIVE

1. Governor's Office:	
(1) Governor's Office	3,898
(2) The Budget Bureau	10,148
(3) Division of Purchase and Contract	6,924
2. Secretary of State	5,144
3. State Auditor	12,358
4. State Treasurer	9,225
5. Department of Justice:	
(1) Attorney General	8,764
(2) Bureau of Investigation	10,963
6. Department of Revenue	148,293
7. Department of Tax Research	7,549
8. Department of Public Instruction	20,762
9. Department of Archives and History	5,327
10. State Library	1,716
11. Library Commission	2,779
12. Board of Public Welfare:	
(1) Board of Public Welfare	27,613
(2) For use of Eugenics Board	810

13.	State Board of Health:	
	(1) State Board of Health	42,019
	(2) Laboratory of Hygiene	16,425
14.	Adjutant General	6,744
15.	Utilities Commission:	
	(1) Utilities Commission	9,113
	(2) Public Utilities. Bus and Railroad Freight Rate Investigations	3,161
16.	Insurance Department	21,302
17.	Department of Labor:	
	(1) Department of Labor	23,895
	(2) Board of Boiler Rules	1,333
	(3) Industrial Commission	16,493
18.	Department of Conservation and Development:	
	(1) Department of Conservation and Development	118,986
	(2) Commercial Fisheries	9,709
19.	State Board of Elections	1,001
20.	Local Government Commission	3,983
21.	Department of Agriculture:	
	(1) Weights and Measures	5,074
22.	Board of Public Buildings and Grounds	19,710
23.	State Board of Alcoholic Control	9,771
24.	State Commission for the Blind	29,739
25.	Rural Electrification Authority	1,839
26.	N. C. Veterans Commission	18,360
27.	Merit System Council	4,888
28.	State Recreation Commission	2,053
29.	N. C. Medical Care Commission	9,073
30.	Retirement Teachers and State Employees—Administration	11,301
31.	N. C. State Ports Authority	3,150

IV. EDUCATIONAL INSTITUTIONS

Educational institutions.

1.	University of North Carolina (Consolidated):	
	(1) General Administration	3,814
	(2) University of North Carolina	474,750

(3) State College of Agriculture and Engineering	459,630
(4) Woman's College	193,016
2. Experiment Station—State College	115,026
3. Cooperative Agricultural Extension—State College	268,234
4. East Carolina Teachers College	86,681
5. Negro Agricultural and Technical College	97,577
6. Western Carolina Teachers College	40,646
7. Appalachian State Teachers College	66,836
8. Pembroke State College for Indians	9,450
9. Winston-Salem Teachers College (Colored)	29,430
10. Elizabeth City State Teachers College (Colored)	17,488
11. Fayetteville State Teachers College (Colored)	22,731
12. North Carolina College at Durham	62,393
13. North Carolina School for the Deaf	34,040
14. State School for the Blind and the Deaf	32,684

Charitable and correctional institutions.

V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

1. State Hospitals:	
(1) General Administration	3,077
(2) State Hospital at Raleigh	134,094
(3) State Hospital at Morganton	125,100
(4) State Hospital at Goldsboro	61,110
(5) Caswell Training School	37,254
(6) State Hospital at Camp Butner	86,507
2. North Carolina Orthopedic Hospital	16,858
3. North Carolina Sanatoria:	
(1) North Carolina Sanatorium	44,207
(2) Extension Bureau	5,198
(3) Western North Carolina Sanatorium	22,911
(4) Eastern North Carolina Sanatorium	17,376
4. Correctional Institutions:	
(1) General Administration	1,727
(2) Stonewall Jackson Training School	17,246
(3) State Home and Industrial School for Girls	7,920
(4) Morrison Training School (Colored)	7,419

(5) Eastern Carolina Training School	5,327
(6) State Training School for Negro Girls	3,285
5. Confederate Women's Home	2,492

VI. STATE AID AND OBLIGATIONS — State aid and obligations.

1. State Aid to Public Libraries	1,693
2. N. C. Park, Parkway and Forest Development Commission	298
3. Department of Agriculture:	
(1) Credit Unions	1,367
(2) State Museum	2,488
(3) Hog Cholera Work	1,361
4. Teachers and State Employees Retirement System—State's Contribution	619,537

IX. PUBLIC SCHOOLS — Public schools.

1. Support of Nine-Months Term Public Schools	8,560,227
2. Vocational Education	445,780
3. State Board of Education	12,994
4. Vocational Textile Training School	5,029

AGRICULTURE FUND — Supplemental appropriations from Agriculture Fund.

SEC. 2. That supplemental appropriations out of the Agriculture Fund of the State, for the specific purpose of providing additional salaries for employees, are hereby made for the fiscal year ending June 30, 1949, according to the following schedule:

XI. AGRICULTURE — Agriculture.

	1948-49
1. Department of Agriculture	$ 93,375

HIGHWAY AND PUBLIC WORKS FUND

SEC. 3. That supplemental appropriations out of the Highway and Public Works Fund of the State for the specific purpose of providing additional salaries for employees are hereby made for the fiscal year ending June 30, 1949, according to the following schedule: — Supplemental appropriations from Highway and Public Works Fund.

XII. HIGHWAY AND PUBLIC WORKS — Highway and Public Works.

	1948-49
1. Administration	$ 25,830

2. Department of Motor Vehicles, Highway Patrol, Drivers License and Safety Promotion	250,341
3. Maintenance of State Highways: (1) Regular Maintenance	610,026
4. Maintenance and/or Construction County Highways	1,220,051
5. Probation Commission	15,348
6. Parole Commission	13,179
7. Bus Investigations	7,976
8. Employers' Contribution to Retirement System	107,204

Salary increases for public school teachers and State employees.

SEC. 4. That appropriations made to the departments, institutions, boards, commissions, and public schools under Sections 1, 2 and 3 of this Act, are for the purpose of providing additional salaries for public school teachers and other State employees, for the period from October 1, 1948 to June 30, 1949. The costs of all salaries and wages to be paid out of or under the appropriations made in Sections 1, 2 and 3 of this Act, or to be paid out of any expendable receipts, to officers, employees, and agents of the State, or any of its departments, bureaus, institutions, public schools, and agencies, other than salaries of officers fixed by statutes, are hereby increased to such sums as are provided under the appropriations in this Act. The salary increases provided by this Bill shall be uniformly twenty per cent (20%) for each State employee.

Adjustments on basis of rate for 1949-51 retroactive to October 1, 1948.

SEC. 5. That the amounts provided in this Act for salary adjustments and increases retroactive to October 1, 1948 are for salary adjustments and increases for three-fourths of the fiscal year 1948-49 on the same basis as provided in the recommendations for salary adjustment and increases in the General Appropriation Bill for the biennium 1949-51, and that salary adjustments and increases for the nine months of the fiscal year 1948-49, beginning October 1, 1948, shall be so applied as to adjust and increase salaries in line with the amounts available in the recommended appropriations for the biennium 1949-51.

Lump sum payment of accrued amounts.

SEC. 6. That it is realized that salaries and wages cannot be increased by the respective controlling boards and agencies until some time after this Act is passed and that several months for which the increased salaries are intended will have passed before payments may be begun. It is intended that any unpaid balance of the adjusted and increased salaries retroactive to October 1, 1948 be paid in a lump sum to the employees whenever it has been possible to get all salaries increased.

Application to Federal and private funds.

SEC. 7. That any special fund operated out of Federal or private funds may secure the same benefits in increased salaries as provided for agencies operating out of tax revenues, pro-

vided the necessary funds for this purpose are furnished by the sponsor.

Teachers and employees in the public schools and State educational institutions.

SEC. 8. That public school teachers and other public school employees and teachers and other employees of other educational institutions paid by the state shall receive salary increases for the same proportionate part of a year as other State employees, such salary adjustments and increases for teachers and other school employees to be paid in installments apportioned to the salaries or wages of such teachers and other school employees in accordance with the methods of payment regularly employed in the payment of such salaries or wages. *Provided, further,* that a teacher or other State employee who separates himself or herself from State service before salary adjustments and increases have been worked out shall not receive any benefits from these additional appropriations or that a teacher or employee who separates from State service after these adjustments and increases have been worked and payments begun shall not receive any adjustments or increases except that part applicable to the time the employee was actually in State service.

Status of teachers and other employees who separate themselves from State service.

Director of the Budget to make allocations.

SEC. 9. That the Director of the Budget is authorized, empowered, and directed to allocate out of special operating funds employing personnel, the amounts sufficient to meet the adjusted and increased salaries as provided for other departments, institutions, or agencies, provided, that funds are available or provided by the agencies sponsoring the funds.

SEC. 10. That this Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

S. B. 138 **CHAPTER 224**

AN ACT FIXING THE SALARY OF THE SHERIFF AND THREE DEPUTY SHERIFFS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 362, Session Laws, 1943.

SECTION 1. Section 3 of Chapter 362 of the Session Laws of 1943, as amended and rewritten by Chapter 511 of the Session Laws of 1945, and as further amended by Chapter 583 of the Session Laws of 1947, is hereby further amended by striking out the words and figures "three hundred dollars ($300.00)" immediately following the word "of" in line 5, and immediately preceding the word "and" in line 6 and inserting in lieu thereof the words and figures "three hundred and sixty dollars ($360.00)". Said Section 3 is further amended by striking out the words

Edgecombe County, salaries of Sheriff and deputies sheriff increased.

and figures "two hundred and seventy-five dollars ($275.00)" immediately following the word "exceed" in line 10 and immediately preceding the word "each" in line 11, and inserting in lieu thereof the word and figures "three hundred and thirty dollars ($330.00)".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect on and after July 1, 1949.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

S. B. 173 CHAPTER 225

AN ACT TO AMEND SECTION 143-135 OF THE GENERAL STATUTES RELATING TO PUBLIC BUILDING CONTRACTS TO REGULATE THE CONSTRUCTION OF SCHOOL BUILDINGS IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

G. S. 143-135, relating to public building contracts, amended as to school buildings, Wayne County.

SECTION 1. Amend Section 143-135 of the General Statutes by adding a proviso at the end of said Section which shall read as follows:

Provided, that the provisions of this Article shall not apply in Wayne County to the governing authority of a county administrative unit or a governing authority of a city administrative unit, or other proper public authority of Wayne County charged with the construction of school buildings and doing or performing by or through its or their duly authorized officers or agents work in the construction of such school buildings up to and including an amount not to exceed thirty thousand dollars ($30,000.00).

Act applicable to Franklin County.

Subsection (a). The provisions of this Act shall also apply to Franklin County.

Termination of Act.

SEC. 2. The provisions of this Act shall terminate July 1st, 1951.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

S. B. 174 **CHAPTER 226**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO MAKE APPROPRIATIONS FROM SURPLUS ALCOHOLIC BEVERAGE CONTROL FUNDS TO THE POOR FUND, TO TRANSFER SUFFICIENT FUNDS FROM THE ALCOHOLIC BEVERAGE CONTROL FUND TO PAY EXPENSES OF A REVALUATION OF PROPERTY.

The General Assembly of North Carolina do enact:

Cumberland County, transfer of portion of ABC funds to poor fund.

SECTION 1. The Board of County Commissioners of Cumberland County is authorized and empowered to transfer forty thousand dollars ($40,000.00) from the alcoholic beverage control funds to the poor fund for the relief of the poor and the support and maintenance of the county tubercular hospital.

Transfer of portion of ABC funds to general fund.

SEC. 2. The Board of County Commissioners of Cumberland County is authorized and empowered to transfer sufficient monies from the alcoholic beverage control funds to the general fund of the county to defray the expenses of a revaluation of property in said county, in an amount not to exceed fifty thousand dollars ($50,000.00), if and when such a revaluation is ordered.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

S. B. 176 **CHAPTER 227**

AN ACT TO FIX THE TERM OF EMPLOYMENT OF THE SUPERINTENDENT OF THE COUNTY HOME OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Edgecombe County, term of office of Superintendent of County Home.

SECTION 1. Notwithstanding any other provisions of law, the term of office or employment of the Superintendent of the County Home of Edgecombe County shall be for one year. The term shall begin on January 1 and shall end on January 1 of the following year or as soon thereafter as his successor assumes his duties.

The term of office or employment of the incumbent Superintendent of the County Home of Edgecombe County shall end on January 1, 1950.

Removal of Superintendent from office.

Any superintendent of the county home may be removed from such employment or office by the Board of Commissioners of Edgecombe County at any time, in its discretion.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 55 CHAPTER 228

AN ACT TO REGULATE THE OPEN SEASON FOR HUNTING FOXES IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Swain County, open season for fox hunting.

SECTION 1. That the months of October, November, December, January and February are hereby declared to be open season for hunting foxes in Swain County, and it shall not be unlawful to hunt or take foxes in Swain County during said months of open season. It shall not be unlawful for farmers to kill foxes at any time on their own premises when such foxes are destroying poultry, quail, rabbits or pheasants on said premises.

Application of Act.

SEC. 2. This Act shall apply to Swain County only.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 71 CHAPTER 229

AN ACT TO PROVIDE ADDITIONAL COMPENSATION FOR THE COUNTY ACCOUNTANT AND CLERK OF THE SUPERIOR COURT OF CLAY COUNTY.

The General Assembly of North Carolina do enact:

Clay County, additional compensation for County Accountant.

SECTION 1. That in addition to any salary or compensation now provided by law for the County Accountant of Clay County, there shall be paid to said county accountant, effective on and after July 1st, 1949, the sum of fifty dollars ($50.00) per month, which said sum or monthly increase in salary shall be paid at

the same time regular payments of salary are made to such county accountant.

Additional compensation for Clerk Superior Court.

SEC. 2. That in addition to any salary or compensation now provided by law for the Clerk of the Superior Court of Clay County, there shall be paid said Clerk of the Superior Court, effective on and after July 1st, 1949, the sum of twenty-five dollars ($25.00) per month, which said monthly increase in salary shall be paid at the same time regular payments of salary are made to such Clerk of the Superior court.

Monthly increase in addition to present compensation.

SEC. 3. That the monthly increases herein provided are additional to the salaries or compensation now being paid as provided by law and shall be paid by the Board of County Commissioners of Clay County out of the general fund of said county or from any other lawful funds of said county available for such purpose.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 173 CHAPTER 230

AN ACT RELATING TO THE SALARY OF THE COUNTY ACCOUNTANT-TAX SUPERVISOR IN MITCHELL COUNTY, AND TO CLERICAL ASSISTANCE IN SAID OFFICE.

The General Assembly of North Carolina do enact:

Mitchell County, salary of county accountant—tax supervisor.

SECTION 1. The Mitchell County Board of Commissioners is hereby authorized, in its discretion, to fix the salary of the county accountant-tax supervisor, the salary not to exceed the amount of two hundred twenty-five dollars ($225.00) per month.

Expenditure for clerical assistance.

SEC. 2. The Mitchell County Board of Commissioners is hereby authorized to expend an amount not in excess of one thousand dollars ($1,000.00) per year for clerical assistance in the office of the county accountant-tax supervisor.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 198 **CHAPTER 231**

AN ACT TO AMEND SECTION 128-21 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO INCLUDE EMPLOYEES OF HOUSING AUTHORITIES CREATED AND OPERATING BY VIRTUE OF CHAPTER 157 OF THE GENERAL STATUTES WITHIN THE LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

G. S. 128-21, relating to retirement systems for counties, cities and towns, amended.

SECTION 1. That Subsection 2 of Section 128-21 of the General Statutes is hereby amended to read as follows:

"Employer" redefined.

"'Employer' shall mean any county or incorporated city or town, or the light and water board or commission of any incorporated city or town, participating in the retirement system. The North Carolina League of Municipalities, Housing Authorities created and operated under and by virtue of Chapter 157 of the General Statutes, and the Office of the Retirement System shall be classed as employers eligible to participate in the retirement system."

SEC. 2. That Subsection 3 of Section 128-21 of the General Statutes is hereby amended to read as follows:

"Employee" redefined.

"'Employee' shall mean any person who is regularly employed in the service of and whose salary or compensation is paid by the employer as defined in Subsection 2 of this Section, including employees of any light and water board or commission, and full-time employees of any housing authority created and operating under and by virtue of Chapter 157 of the General Statutes, whether employed or appointed for stated terms or otherwise, except teachers in the public schools and except such employees who hold office by popular election as are not required to devote a major portion of their time to the duties of their office. In all cases of doubt the board of trustees shall decide who is an employee."

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 226 CHAPTER 232

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 125 OF THE GENERAL STATUTES, RELATING TO THE LIBRARY COMMISSION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. 125-21, requiring reports to Library Commission, amended to exclude school libraries.

SECTION 1. G. S. 125-21 is hereby amended by striking out the word "school" after the words "subscription libraries" and before the word "college" in line 6 thereof, it being the intent and purpose of this amendment to make it unnecessary for annual reports to be made to the Library Commission of North Carolina by "school" libraries.

G. S. 125-26, relating to public library service fund, amended.

SEC. 2. Paragraph 4 of G. S. 125-26, relating to the public library service fund, is hereby amended by rewriting said paragraph to read as follows:

"4. For the necessary expenses of administration, allocation and supervision, a sum not to exceed seven per cent (7%) of the annual appropriation may annually be used by the North Carolina Library Commission."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 233 CHAPTER 233

AN ACT TO AMEND CHAPTER 791 OF THE SESSION LAWS OF 1945, RELATING TO THE RESTORATION OF TRYON'S PALACE IN NEW BERN.

The General Assembly of North Carolina do enact:

Ch. 791, Session Laws, 1945, authorizing restoration of Tryon's Palace, amended.

SECTION 1. That Section 2 of Chapter 791 of the Session Laws of 1945 be, and the same hereby is, amended by striking out the first sentence of said Section and substituting therefor the following:

"The Department of Conservation and Development is hereby authorized and directed to acquire the necessary property in New Bern, North Carolina, for the restoration of Tryon's Palace, when as much as two hundred fifty thousand dollars ($250,000.00), or securities in said amount as provided in Section 4, has been provided by private contributions for this purpose: *Provided*, that the Board of Conservation and Development at such time shall find that there are reasonable grounds to an-

Minimum fund from private donations.

ticipate that from private donations there will thereafter be provided ample funds to restore the palace."

SEC. 2. That said Chapter 791 be further amended by striking out the first paragraph of Section 3 of said Act and rewriting the same so as to read as follows:

Purchase of site authorized upon donation of required funds.

"That the Department of Conservation and Development, within the limits and amounts appropriated by the General Assembly and such funds as may be available from donations or otherwise, when the conditions set forth in Section 2 of this Act have been met, is hereby granted the power and authority to purchase sufficient lands for the restoration of said palace, and the said department is hereby authorized to accept title to said lands in the name of the State of North Carolina."

SEC. 3. That said Chapter 791 be further amended by adding at the end of Section 5 thereof, the following:

Practical restoration of original site.

"*Provided*, that the Department of Conservation and Development is authorized and empowered, in its discretion, to acquire for the use of said Tryon's Palace such part of the area in the City of New Bern originally included in the palace grounds as may be deemed reasonably necessary for the restoration of said palace."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 302 CHAPTER 234

AN ACT TO AMEND G. S. 9-5, SO AS TO REGULATE THE FEES OF JURORS IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

G. S. 9-5, amended.

SECTION 1. G. S. 9-5 is hereby amended by adding a new paragraph at the end thereof to read as follows:

Swain County, fees of jurors.

"All jurors in the Superior Court of Swain County, including grand jurors, regular jurors, special veniremen and tales jurors, shall receive, for their services, fees of four dollars ($4.00) per day and a mileage allowance at the rate of five cents (5c) per mile while coming to the county seat and returning home, such mileage allowance to be paid on the basis of one round trip per term of court in which attendance is required, and the distance to be computed by the usual route of public traveling."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 310 **CHAPTER 235**

AN ACT TO FIX THE SALARIES OF THE CLERK OF THE SUPERIOR COURT, THE SHERIFF AND THE REGISTER OF DEEDS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 499 of the Session Laws of 1947 is rewritten to read as follows: Ch. 499, Session Laws, 1947, amended.

"SECTION 1. The Board of County Commissioners of Guilford County is authorized and directed to fix the salary of the Clerk of the Superior Court of said county at not less than seven thousand dollars ($7,000) nor more than ten thousand dollars ($10,000) per annum, to be paid in twelve equal monthly installments in lieu of all fees derived by virtue of said office including all fees now paid to the clerk by the State, including inheritance tax fees and other fees allowed by the State, also said salary shall be in full compensation of the salary now allowed said clerk as juvenile court judge for the county. All interest collected by said clerk on any fund held for the county shall be paid into the general fund of the county as other fees. Guilford County, salary of Clerk of Superior Court.

SEC. 2. The Board of County Commissioners of Guilford County is authorized and directed to fix the salary of the sheriff of said county at not less than seven thousand dollars ($7,000) nor more than ten thousand dollars ($10,000) per annum to be paid in twelve equal monthly installments in lieu of all fees and commissions received by his office, except those received by 'part time salaried deputy sheriffs' and 'unsalaried deputy sheriffs' as provided in Chapter 318 Session Laws of 1943. Salary of Sheriff

SEC. 3. The Board of County Commissioners of Guilford County is authorized and directed to fix the salary of the register of deeds of said county at not less than seven thousand dollars ($7,000) nor more than ten thousand dollars ($10,000) per annum to be paid in twelve equal monthly installments in lieu of all fees and commissions received by his office. Salary of register of deeds.

SEC. 4. The Clerk of the Superior Court, the sheriff, the register of deeds, and the county treasurer of said county shall faithfully collect, account for and turn over to the treasurer of said county, to be disposed of as hereinafter provided, all fees, Report of fees, commissions, etc., collected.

commissions, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to them by virtue of their office; and said fees shall be the property of Guilford County and used as a part of the general funds of the county; excepted from the fees above enumerated shall be the fees and commissions collected by the part time salaried deputy sheriffs and the unsalaried Deputy Sheriffs of Guilford County hereinbefore referred to, which shall be and remain the property of these officers."

Exception.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws, Public, Public-local or Private, in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 313 CHAPTER 236

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY, OTHER THAN THE CHAIRMAN, TO PROVIDE FOR AN EXPENSE ALLOWANCE FOR THE OFFICE OF SHERIFF OF GRAHAM COUNTY AND TO PROVIDE AN INCREASE IN SALARY FOR THE COUNTY ACCOUNTANT AND TAX COLLECTOR OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Graham County, supplemental salary of County Accountant and Tax Collector.

SECTION 1. On and after the first day of April, 1949, there shall be paid to the County Accountant and Tax Collector of Graham County an additional sum of thirty-five dollars ($35.00) per month for clerk hire and office expense in managing and conducting the office of County Accountant and Tax Collector of Graham County. The said sum of thirty-five dollars ($35.00) per month shall be in addition to any and all other compensation now received by the County Accountant and Tax Collector of Graham County and shall be payable monthly at the same time the present monthly installments of salary are payable to said officer.

Compensation of members of Board of County Commissioners.

SEC. 2. The compensation of the members of the Board of County Commissioners of Graham County, other than and excluding the chairman of the board of county commissioners, shall be for each member ten dollars ($10.00) per day for each day he shall be employed and perform his duties as such county commissioner, together with mileage at the rate of five cents

(5c) per mile for each member in the performance of such duties. The per diem provided for in this Section shall be effective on and after the first day of April, 1949. Travel allowance.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after April 1st, 1949. Effective date.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 318 CHAPTER 237

AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR EACH SCHOOL DISTRICT IN MARTIN COUNTY WITH A SCHOOL POPULATION OF LESS THAN ONE THOUSAND (1,000) FOR THE PURPOSE OF LEVYING A TAX TO SUPPLEMENT SCHOOLS IN SAID DISTRICTS OF A HIGHER STANDARD THAN THAT PROVIDED BY STATE SUPPORT OR TO EMPLOY ADDITIONAL TEACHERS.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the ratification of this Act, the Board of Commissioners of Martin County may, subject to regulations specified herein, call a special election for the purpose of submitting to the qualified voters in each district with a school population of less than one thousand (1,000) in Martin County the question of whether or not there shall be levied in said districts a local annual tax on all property subject to taxation. The proceeds of this tax if authorized by a majority of the votes cast in such election shall be used to operate schools in said districts of a higher standard than that provided by State support or to employ additional teachers or both, but in no event to provide for a term of more than 180 days: *Provided* that before holding an election for supplementing allotments of State funds a petition of the district committee, setting out the purpose for which said election is to be had and the maximum rate of tax which may be levied, shall be approved by the Martin County Board of Education, the Martin County Board of Commissioners, and the State Board of Education. When such approval is had, then upon request of the Martin County Board of Education, the Martin County Board of Commissioners shall provide for an election under the laws governing such elections as are set forth for County and City Administrative Units Supplementary elections in G. S. 115-361.

Martin County, special elections on school supplement tax levies.

Use of proceeds of tax.

Petition of district committees for elections.

Approval of petition for election.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 330 **CHAPTER 238**

AN ACT TO AMEND CHAPTER 139 OF THE PUBLIC LAWS OF 1939, RELATING TO THE BILL OF COST IN CRIMINAL ACTIONS IN THE RECORDER'S COURT OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 139, Public Laws, 1939, amended.

SECTION 1. Section 15, Subsection (a), of Chapter 139 of the Public Laws of 1939 is hereby amended by striking out said Subsection and substituting in lieu thereof the following:

Pasquotank County, Recorder's Court, fees of prosecuting attorney.

"(a) The prosecuting attorney, four dollars and fifty cents ($4.50) on all warrants, whether one or more offenses are charged and regardless of the charge."

Fees of trial justice.

SEC. 2. Section 15, Subsection (b), of Chapter 139 of the Public Laws of 1939 is hereby amended by striking out the words and figures "one dollar and fifty cents ($1.50)" appearing between the words "justice" and "for" in line 1 of said Subsection, and inserting in lieu thereof the words and figures "two dollars and fifty cents ($2.50)."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after May 1, 1949.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 375 CHAPTER 239

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO INCREASE THE SALARIES OF CERTAIN EMPLOYEES, APPOINTIVE OFFICIALS AND ELECTIVE OFFICIALS.

The General Assembly of North Carolina do enact:

SECTION 1. The County Commissioners of Franklin County are hereby authorized and empowered, in their discretion, to increase the salaries of any and all county employees, appointive officials and elective officials, except those employees and officials under the merit system, in an amount not to exceed twenty per cent (20%).

Franklin County Commissioners authorized to increase salaries of county employees and officials.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 378 CHAPTER 240

AN ACT TO AMEND CHAPTER 102 OF THE PUBLIC-LOCAL LAWS OF 1927, RELATING TO COMPENSATION OF THE TAX COLLECTOR OF LEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 102 of the Public-Local Laws of 1927 is hereby amended by striking out the sentence appearing at the end of said Section and substituting in lieu thereof the following:

Ch. 102, Public-Local Laws, 1927, amended.

"The County Commissioners of Lee County are hereby authorized and empowered, in their discretion, to fix and regulate the compensation of the tax collector appointed hereunder, including compensation for necessary clerical assistance."

Lee County, compensation of tax collector.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 391 CHAPTER 241

AN ACT TO REPEAL CHAPTER 679 OF THE SESSION LAWS OF 1943, AS AMENDED BY CHAPTER 134 OF THE SESSION LAWS OF 1947, RELATING TO A SURVEY OF CERTAIN LAND IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 679, Session Laws, 1943, relating to survey of land, Currituck County, repealed.

SECTION 1. Chapter 679 of the Session Laws of 1943, as amended by Chapter 134 of the Session Laws of 1947, relating to a survey of certain land in Currituck County, is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 395 CHAPTER 242

AN ACT TO AMEND CHAPTER 201 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1937, RELATING TO THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Ch. 201, Public-Local Laws, 1937, amended to increase compensation of County Commissioners, Randolph County.

SECTION 1. Section 1 of Chapter 201 of the Public-Local and Private Laws of 1937 is amended by striking out in lines 3 and 4 of said Section the words and figures "six ($6.00) dollars per day and five (5c) cents" and inserting in lieu thereof the words and figures "ten dollars ($10.00) per day and six cents (6c)".

Compensation of Chairman.

SEC. 2. Section 2 of Chapter 201 of the Public-Local and Private Laws of 1937 is amended by striking out in line 9 of said Section the words and figures "sixty ($60.00) dollars" and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)".

Compensation to be retroactive.

SEC. 3. The additional compensation provided for in this Act shall be effective as of 1 January 1949.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 417 **CHAPTER 243**

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND OTHER MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Chairman of the Board of County Commissioners of Chowan County shall be paid twenty-five dollars ($25.00) per month, out of the general fund of the county, as compensation for his services as a member of, and as chairman of, such board. Each member of the County Board of Commissioners of Chowan County, other than the chairman, shall be paid ten dollars ($10.00) per month, out of the general fund of the county, as compensation for his services as a member of such board. The compensation provided for in this Section shall be in lieu of any and all other per diem and mileage allowances for such services.

Chowan County, compensation of Chairman of Board of County Commissioners.

Compensation of members of Board.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective March 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 422 **CHAPTER 244**

AN ACT TO AMEND CHAPTER 160 OF THE PRIVATE LAWS OF 1925, AS AMENDED BY CHAPTER 416 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1937, RELATING TO THE CHARTER OF THE TOWN OF MOUNT AIRY, SURRY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Section 5 of Chapter 160 of the Private Laws of 1925 is amended to read as follows:

Ch. 160, Private Laws, 1925, amended.

"SEC. 5. The Officers of the Town of Mount Airy shall consist of a mayor and five commissioners to be elected in the manner and for terms of office as hereinafter set out. Of the five commissioners to be elected, two shall be residents of ward number one, two shall be residents of ward number two, and one shall be elected as a commissioner-at-large. All candidates for such offices shall be qualified voters of the Town of Mount Airy. There shall be chosen by the board of commissioners a chief of police, secretary and treasurer, and a tax collector who shall hold their offices at the pleasure of the board."

Officers of Town of Mount Airy.

Appointment of certain officials by board of commissioners.

SEC. 2. Section 6 of Chapter 160 of the Private Laws of 1925,

as amended by Chapter 416 of the Public-Local and Private Laws of 1937, is amended to read as follows:

Division of town into two wards.

"SEC. 6. There shall be two wards in the Town of Mount Airy, bounded and described as follows:

"That all of that territory within the corporate limits of the said town which lies North of the center of Virginia Street from where it begins at Lovill's Creek to Main Street, thence down Main Street to the center of the intersection of Oak, thence with the center of E. Oak to its intersection with E. Pine, thence with the center of E. Pine to the Ararat River, including the addition added to the said town as of the first day of January 1949 shall be ward number one; and that all other territory within the said corporate limits of said Town of Mount Airy shall be ward number two.

Voting precincts.

"The voting precincts in ward number one and ward number two shall be fixed by the Board of Commissioners of the Town of Mount Airy and may be changed from time to time after giving notice thereof by advertisement published in one or more newspapers published in the Town of Mount Airy for at least two successive weeks before the call of any election."

SEC. 3. Section 7 of Chapter 160 of the Private Laws of 1925 is amended to read as follows:

Election of mayor and commissioners.

"SEC. 7. At the election to be held on the first Monday in May, 1949, and quadrennially thereafter, there shall be elected in the Town of Mount Airy, by the electors of both wards voting as a whole, a mayor and one commissioner from each ward who shall hold office for a term of four years and until their successors are elected and qualified. At said election, there shall also be elected one commissioner from each ward and a commissioner-at-large, by the electors of both wards voting as a whole, who shall hold office for a period of two years and until their successors are elected and qualified. At the expiration of the two-year terms of the commissioners herein prescribed and quadrennially thereafter, their successors shall be elected and hold office for a term of four years and until their successors are elected and qualified."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 425 **CHAPTER 245**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO SUPPLEMENT THE SALARIES OF THE CLERK OF SUPERIOR COURT AND THE DEPUTY SHERIFFS OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Camden County, supplemental salaries to Clerk Superior Court and deputy sheriffs authorized.

SECTION 1. The Board of County Commissioners of Camden County is hereby authorized in its discretion to supplement the salaries of the Clerk of Superior Court and of each regular Deputy Sheriff of Camden County by the monthly payment out of general funds of not more than twenty-five dollars ($25.00) to each such officer.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

H. B. 482 **CHAPTER 246**

AN ACT TO AMEND G. S. 14-335 RELATING TO PUBLIC DRUNKENNESS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

G. S. 14-335, amended.

SECTION 1. G. S. 14-335 is hereby amended by rewriting Subsection 5 of said Section to read as follows:

Wake County, penalty for public drunkenness.

"5. By fine of not more than fifty dollars ($50.00) or imprisonment for not more than 30 days, in Wake County."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1949.

S. B. 53 CHAPTER 247

AN ACT TO PROVIDE FOR PRIMARY ELECTIONS IN THE TOWN OF RAMSEUR.

The General Assembly of North Carolina do enact:

Town of Ramseur, provisions for municipal primary elections.

SECTION 1. All candidates to be voted for at all general municipal elections in or for the Town of Ramseur, North Carolina, at which time a mayor and/or any other elective officers are to be elected, shall be nominated at a primary election; and no names shall be placed upon the general ballot for the municipal election except those nominated in accordance with the regulations herein set forth. The primary election for such nominations shall be held on the second Monday preceding the general municipal election. The judges and other election officers appointed for the general municipal election shall, as far as practicable, be the officers for the holding of the immediately preceding primary election, which shall be held at the same place or places, in the same manner, under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are or may be designated with respect to the general municipal elections. Any person desiring to become a candidate for nomination at the primary for any elective office to be filled at the next municipal election shall, at least ten days prior to said primary election, file with the town clerk a statement of such candidacy, in substantially the following form:

Date of election.

Election officials.

Conduct of election.

Statement of candidacy.

State of North Carolina—County of Randolph.

I, _____, first being duly sworn, say that I am a citizen and resident of the Town of Ranseur, County and State aforesaid; that I am a candidate for nomination for the office of _____, to be voted upon at the primary election to be held on the _____ Monday of _____, 19__, and I hereby request that my name be printed upon the official ballot for nomination at such primary election to said office. I affiliate with the _____ party. (Or, if independent in politics, here so state _____).

(Signature) _____

Sworn to and subscribed before me, by _____, on this the _____ day of _____, 19____.

(Signature) _____

(Office) _____

Filing fee.

And at the same time said person shall pay to said clerk, to be turned over to the town treasurer, a fee as follows: A candidate for nomination for mayor, the sum of five dollars; a candidate for any other office, the sum of one dollar.

Posting and publication of names of candidates.

SEC. 2. Immediately after the expiration of the time for filing statements of candidacy as aforesaid, the town clerk shall cause

to be posted at the town hall for public inspection, and to be published at least once in some newspaper having circulation in the municipality, in proper form, the names of the persons as they are to appear upon the primary ballots; and said clerk shall thereupon cause primary ballots to be printed and authenticated with his signature or a facsimile thereof. Upon said ballots the names of the candidates for mayor, arranged alphabetically, shall first be placed with a square at the left of each name, immediately below the words "Vote for one." Then the names of the candidates for commissioners, arranged alphabetically, shall be placed with a square at the left of each name, immediately below the words "Vote for five." Likewise provision shall be made for the names of candidates for each and every other elective office to be filed at such municipal election. The ballots shall also show the political affiliations or independence in politics, as the case may be, of all candidates, in accordance with the notice of candidacy filed. Printing of ballots.

The ballots shall be printed upon plain substantial white paper, and shall be headed: Form of ballots.

"Candidates for Nomination for Offices to be filled at the municipal election in the Town of Ranseur, N. C., at the primary election to be held the _____ day of _____, 19____." The ballots shall set forth substantially the following directions and provisions:

"Place a cross in the square preceding the names of the persons you favor as candidates for the respective offices.

"Official primary ballot, candidates for nomination for" _____ followed by a statement of the various offices to be filled, and by the names of the candidates therefor, respectively; and also a statement of the party with which each candidate affiliates or his independence in politics.

"Official ballot—Attest: (Signature _____)
City Clerk."

SEC. 3. Having caused said ballots to be printed, the town clerk shall cause to be delivered at each polling place a number of such ballots equal to twice the number of persons registered. The persons who are qualified to vote at the next succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge for just cause, by any resident of the municipality, as by law provided in such cases, and such challenge shall be heard and passed upon by the registrar and judges of election. Delivery of ballots to polls. Qualification of voters.

SEC. 4. The registrars and judges of election shall immediately, upon the closing of the polls, count the ballots and ascertain the number of votes cast for each of the candidates, and make return thereof to the town clerk, within fifteen hours after Election returns.

Canvass and publication of returns.

the closing of the polls. On the day following such primary election, the town clerk shall canvass the returns and make and publish at the town hall, and in some newspaper having circulation in the municipality, at least once, the result thereof.

Ballots for general municipal election.

Said canvass by the town clerk shall be publicly made. The two candidates receiving the highest vote for mayor whose names shall be placed on the ballots for the next following general municipal election, and candidates in double the number of

Candidates for Board of Commissioners.

positions on the board of commissioners allowed to be filled from each political party, as set out in Section 7 hereof, receiving the highest number of votes for commissioner, shall be the candidates and only candidates whose names shall be placed on the ballots for the next succeeding municipal election, subject to the qualification that not more than six such candidates shall be elected from those who affiliate with one and the same political party, unless a sufficient number of other candidates should fail to file.

Limitation on number of candidates.

In like manner shall be determined the candidates to be voted on at the next general election for all other offices. It is the purpose and intention of this Act that the candidates on the official ballot shall, as to any and every office, be not more than double the number of offices and positions to be filled.

Procedure in event of tie vote.

Should a situation arise in which, by reason of a tie vote for candidates for any elective office, it shall be impossible to eliminate all candidates but two for such office, the names of the candidates for whom the vote is tied shall both or all be placed on the ballot for the election.

Candidate's statement of party affiliation.

SEC. 5. Each candidate, in filing his statement of candidacy as above provided, shall thereon specify the party with which he affiliates, or the fact that he is independent in politics, as the case may be.

Primary not required if insufficient number of candidates.

SEC. 6. If there shall not be more than two candidates for mayor, and not more than double the number of candidates for commissioners, allowed from each political party, and no more candidates for other offices or positions than twice the number of offices and positions to be filled as to each, at such election, then it shall not be necessary to hold a primary, but all candidates who shall have filed their statements of candidacy, as aforesaid, shall be declared nominated, and the clerk shall place their names upon the election ballots for the regular municipal election.

Intention of Act to provide non-partisan Board of Commissioners.

SEC. 7. It is the purpose and intention of this Act that the town shall have, so far as practicable, a non-partisan board of commissioners, composed of not more than three commissioners chosen from persons affiliating with the majority party, and two commissioners chosen from those who do not affiliate with the majority party, and to that end not more than three-fifths of the candidates for commissioner, out of the total num-

ber selected at the primary, shall be chosen from among those affiliating with one and the same political party. In case there shall be a sufficient number of candidates from those who do not affiliate with the majority party, as well as from those who do affiliate with the majority party, to provide adequate representation as herein contemplated and provided. At the election thereafter following, not more than three-fifths of the commissioners shall be selected from those affiliating with one and the same political party, and any and all nominations and elections for or of commissioners exceeding the number hereinabove specified shall be disregarded and eliminated entirely from the results, and the final results shall be considered and determined as though all candidates so eliminated were not voted upon at such primary or at such election: *Provided*, there shall be a sufficient number of candidates at the election to fill all the available offices.

SEC. 8. All laws and clauses of laws in conflict herewith, are hereby repealed. Conflicting laws repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1949.

S. B. 169 **CHAPTER 248**

AN ACT TO AMEND CHAPTER 196 OF THE PRIVATE LAWS OF 1929 RELATING TO THE CHARTER OF THE CITY OF THOMASVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. Section 3 of Chapter 196 of the Private Laws of 1929 is amended to read as follows: Ch. 196, Private Laws, 1929, amended.

"SEC. 3. That the territory comprised within the corporate limits of said city is hereby laid off into four (4) wards as follows: City of Thomasville, division of city into wards.

(a) First Ward: The First Ward shall contain the territory within the following boundaries, to-wit: Being all that territory located North of the North Carolina Railroad and East of Salem Street within the city limits of the City of Thomasville. First Ward.

(b) Second Ward: The Second Ward shall contain the territory within the following boundaries, to-wit: Being all that territory located North of the North Carolina Railroad and West of Salem Street within the city limits of the City of Thomasville. Second Ward.

(c) Third Ward: The Third Ward shall contain the territory within the following boundaries, to-wit: Being all that territory Third Ward.

located South of the North Carolina Railroad and West of Randolph Street within the city limits of the City of Thomasville.

Fourth Ward.

(d) Fourth Ward: The Fourth Ward shall contain the territory within the following boundaries, to-wit: Being all that territory located South of the North Carolina Railroad and East of Randolph Street within the city limits of the City of Thomasville.

Division into precincts.

And that for the purposes of elections, the City of Thomasville shall be divided into such precincts as the city council may create."

SEC. 2. Section 4 of Chapter 196 of the Private Laws of 1929 is amended to read as follows:

Date of general municipal election.

"SEC. 4. The general municipal election shall take place on the first Tuesday after the first Monday in May, 1949, and biennially thereafter on the first Tuesday after the first Monday in May; at which election a mayor and five councilmen shall be elected; the mayor and one councilman to be elected at large, and one councilman from each of the four wards, who shall hold office for a term of two years or until their successors are qualified."

City officials.

SEC. 3. Section 5 of Chapter 196 of the Private Laws of 1929 is amended to read as follows:

Eligibility of Mayor and City Councilmen.

"SEC. 5. (a) Eligibility of Mayor and City Councilmen. Any qualified elector in this State shall be eligible for mayor or city councilman, provided he shall have resided in the corporate limits twelve months, and for city councilman also in the ward from which he is elected four months next preceding day of election. The councilman at large shall have resided in the corporate limits of the city for twelve months next preceding the day of election.

Voting qualifications.

(b) Voting qualifications. All persons entitled to vote for members of the General Assembly, and who have been residents of the city and ward in which they offer to vote four months next preceding the day of election, and who shall have registered and qualified as provided in the general laws of North Carolina relative to municipal elections, shall be allowed to vote for mayor and councilmen from each of the four wards of the City of Thomasville, and for one councilman at large of the City of Thomasville, and no person not a resident of the said city and ward from which he offers to vote shall be an elector of the city. But if any duly qualified elector shall have moved from one ward of the city to another within the four months next preceding any election, he shall be entitled to vote in the said election in the ward from which he shall have moved.

Municipal Board of Elections.

(c) Municipal Board of Elections. The five members of the Zoning Board of Adjustment of the City of Thomasville, and

from time to time their successors in office, shall constitute the Municipal Board of Elections of the City of Thomasville, who shall serve without pay.

General powers of Board of Elections.

(d) General Powers of Board of Elections. The said municipal board of elections with respect to all elections held in the City of Thomasville shall exercise all the powers and authority vested in the governing body or "City Council" under Article III of Chapter 160 of the General Statutes of North Carolina, and amendments thereto, not inconsistent with this Act, and all powers and authority conferred upon the county board of elections by G. S. 163-12, G. S. 163-13, G. S. 163-18 and all other General Statutes of North Carolina and amendments thereto relating to county board of elections, and not inconsistent with the provisions of this Act, shall be exercised by the municipal board of elections respecting all elections held in the City of Thomasville.

Specific powers of Board of Elections.

(e) Specific Powers of Board of Elections. Said municipal board of elections shall have power and authority:

(1) To appoint all registrars, judges of elections and other officials.

(2) To have general authority over all elections.

(3) To provide all necessary books, blanks and other equipment and voting places as may be necessary to the registration of voters and holding of any and all elections in the City of Thomasville.

SEC. 4. Section 6 of Chapter 196 of the Private Laws of 1929 is amended to read as follows:

Notice of candidacy.

"SEC. 6. The City of Thomasville shall be nonpolitical, and the name of each candidate for nomination in such election shall be filed with the chairman of the municipal board of elections not later than the third Tuesday before the first Monday in May preceding the election. Such notice of candidacy shall set forth:

Contents of notice.

(a) The name of the candidate;

(b) The age of the candidate;

(c) The address of the candidate and the street and number of his residence;

(d) The length of his residence at such street address;

(e) The office for which he seeks nomination, whether councilman or mayor, and, if as councilman, from which ward.

Filing fee.

Such notices may be filed by the candidate or any qualified voter of the city, but must be accompanied with the sum of ten dollars, filing fee, if the office is councilman, and the sum of

twenty-five dollars, if the office sought is mayor, to be used as expenses by the municipal board of elections.

SEC. 5. Section 7 of Chapter 196 of the Private Laws of 1929 is hereby amended to read as follows:

Registration of voters.

"SEC. 7. (a) Registration of Voters. The registration books for the election to be held on the first Tuesday after the first Monday in May, 1949, and biennially thereafter, shall be open for at least three weeks, and the Saturday before the first Monday shall be considered as challenge day.

Tabulation of returns; declaration of results.

(b) Tabulation of Returns; Declaration of Results. The municipal board of elections shall tabulate the returns and declare the results of the election. Election shall be determined for all offices by a plurality of all votes cast and there shall be no second election.

Preparation of ballots.

(c) Preparation of Ballots. Immediately before the election the municipal board of elections shall cause ballots to be prepared in sufficient number for use in the election, which said ballots shall in the main conform to the election laws of the State; *provided,* that where the word "City Clerk" appears in the general election laws of the State in reference to municipal elections, as applied to the City of Thomasville, it shall be construed to mean the chairman of the municipal board of elections.

Date of election.

(d) Date of Election. The election shall be held on the first Tuesday after the first Monday in May, 1949, and biennially thereafter.

Determination of results.

(e) Determination of Results of Elections. The Candidate for mayor receiving the largest number of votes, and the candidate for councilman at large, and the candidate from each ward receiving the largest number of votes, shall be deemed elected.

Tabulation of votes.

(f) The municipal board of elections shall meet immediately after the board of canvassers shall have completed their canvass and tabulate the votes and certify to the governing body the results of the election, setting forth the names of the candidates elected and the respective offices to which they may have been

Certification of results.

elected. The results so tabulated shall be certified by the municipal board of elections and filed with the Governing Body of the City of Thomasville on the same day on which the canvass is made by the board of canvassers, which shall be set out in the minutes of the governing body and upon certification, those so certified as having been elected to the several offices shall be deemed duly elected for the term of two years, and upon qualifying shall take office on the Monday following the election.

Expenses of elections.

(g) Expenses of Elections. All expenses of the municipal board of elections which in the opinion of the municipal board of elections are necessary, shall be paid by the City of Thomas-

ville within five days after the presentment of bills by the chairman of the municipal board of elections approved by the chairman of the municipal board of elections and over his signature.

"Clerk" or "City Clerk" defined.

(h) "Clerk" or "City Clerk" Refers to Chairman of the Board of Elections. Wherever the word "Clerk" or the words "City Clerk" are used in the general laws relative to municipal election only, such words for the purpose of this Act shall be deemed to refer to the chairman of the municipal board of elections.

Absentee voting law not applicable.

(i) Absentee Voting Law Not Applicable. The absentee voting law of North Carolina shall not apply to municipal elections held in the City of Thomasville.

Compensation of councilmen increased.

SEC. 6. Section 12 of Chapter 196 of the Private Laws of 1929 is amended by striking out in line 2 of said Section "One Hundred Dollars ($100.00)" and inserting in lieu thereof "Two Hundred Dollars ($200.00)".

Forfeiture of councilmen upon failure to attend meeting.

SEC. 7. Section 12 of Chapter 196 of the Private Laws of 1929 is hereby further amended by striking out in the last line thereof "Two Dollars ($2.00)" and inserting in lieu thereof "Five Dollars ($5.00)".

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1949.

H. B. 385 CHAPTER 249

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF SURRY COUNTY TO FIX THE SALARY OF THE SHERIFF AND DEPUTY SHERIFFS OF THE COUNTY AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Surry County, salary of Sheriff and Deputy Sheriffs.

SECTION 1. The Board of County Commissioners of Surry County is hereby authorized and empowered, in its discretion, to fix the salary of the Sheriff and of all full time Deputy Sheriffs of Surry County, and to make the necessary appropriations out of the general fund of the county in order to meet the payment of such salaries.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 8th day of March, 1949.

H. B. 456 CHAPTER 250

AN ACT RELATING TO UNCLAIMED FEES OF JURORS AND WITNESSES IN THE RECORDER'S COURT OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Rutherford County, Recorder's Court, disposition of unclaimed fees of jurors and witnesses.

SECTION 1. All moneys due jurors and witnesses heretofore or hereafter paid into the office of the Clerk of the Recorder's Court of Rutherford County and which have remained, or hereafter remain, unclaimed for a period of three years shall be turned over to the county treasurer by the said Clerk of the Recorder's Court of Rutherford County for the use of the school fund of said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1949.

H. B. 475 CHAPTER 251

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GREENE COUNTY TO APPROPRIATE FUNDS FOR THE PAYMENT OF SALARIES OF FULL TIME DEPUTY SHERIFFS.

The General Assembly of North Carolina do enact:

Greene County, salaries of Deputy Sheriffs.

SECTION 1. The Board of Commissioners of Greene County is hereby authorized in its discretion to employ, and fix and pay salaries to, one or more Deputy Sheriffs of Greene County including the deputy sheriff heretofore employed on a salary basis in said county. The board is authorized, in its discretion, to appropriate from the general funds of the county such amount, in its discretion, as is necessary for the purpose of providing for payment of the salary or salaries described in the first sentence of this Section.

Appropriation for payment of salaries.

SEC. 2. The said board of commissioners is authorized in its discretion, to discontinue the payment of any part or the whole of the funds appropriated and set aside for the purposes set forth in the preceding paragraph at any time.

Discontinuance of salaries in discretion of county commissioners.

SEC. 3. Any such employment of a deputy sheriff and the payment of a salary to him heretofore is hereby ratified, validated and approved.

Prior appointments and salaries validated.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1949.

S. B. 87 **CHAPTER 252**

AN ACT TO AMEND G. S. 7-134 RELATING TO FEES OF JUSTICES OF THE PEACE IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend G. S. 7-134, as the same appears in the 1947 Cumulative Supplement to the General Statutes of North Carolina, by adding the following at the end thereof:

G. S. 7-134, amended.

"Justices of the Peace in Jackson County shall receive the following fees in the following instances:

Jackson County, fees of Justices of the Peace.

(a) In criminal actions:

Issuing warrant, including affidavit	$1.25
Judgment, uncontested	1.00
Trial and judgment (contested)	2.00
Issuing capias	.60
Making bond	.50
Commitment to jail (failure to make bond)	.50
Each continuance, on request or by motion	.40
Removal, before another magistrate	.50

(b) In civil actions:

Issuing summons, one defendant	.75
Each additional defendant	.35
Judgment, uncontested	.85
Trial and judgment (contested)	1.50
Making bond	.50
Each continuance, on request or by motion	.40
Removal, before another magistrate	.50"

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 305 **CHAPTER 253**

AN ACT TO AMEND CHAPTER 33, ARTICLE 7, SECTION 33-49 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REMOVAL OF WARDS PERSONAL PROPERTY FROM THE STATE BY A FOREIGN GUARDIAN.

The General Assembly of North Carolina do enact:

G. S. 33-49, relating to petition by foreign guardian for removal of ward's personalty from State, amended.

SECTION 1. That Chapter 33, Article 7, Section 33-49 of the General Statutes of North Carolina be and the same is hereby amended by striking out the period after the word "situated" in lines 6 and 7, "situated" being the last word in the first sentence of said Section, and before the word "any" in line 7 of said Section, and inserting a colon, and by adding the following: "*Provided* that in all cases where a banking institution, resident and doing business in a foreign state, is a guardian of any person or infant, and such banking institution is not required to execute a bond to qualify as guardian under the laws of the state wherein said guardian qualified and was appointed guardian of such infant, or infants, and no sureties are or were required by the state in which said banking institution qualified as guardian, and this fact affirmatively appears to the court, then the personal property and estate of such infant, or other person, may be removed from this State without the finding of a court with reference to any sureties, and the court in which the petition for the removal of the property of the ward is filed may order the transfer and removal of the property of the ward, and the payment and delivery of the same to the nonresident guardian of said ward without regard to whether a nonresident guardian has filed a bond with sureties; and the finding of the court that the said guardian is a banking institution and has duly qualified and been appointed guardian of said ward under the laws of the state where said ward, or wards, is or are residents, shall be sufficient."

SEC. 2. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 336 CHAPTER 254

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY TO INVEST PROCEEDS OF THE SALE OF SCHOOL BUILDING BONDS HERETOFORE ISSUED.

The General Assembly of North Carolina do enact:

Cleveland County, investment of proceeds of sale of school building bonds.

SECTION 1. The Board of County Commissioners of Cleveland County is hereby authorized to invest or reinvest, as hereinafter provided, all or any part of the proceeds of the sale of the bonds heretofore issued by said county, the same being designated as "School Building Bonds, Series A", and dated June 1, 1948. Such investment or reinvestment shall be made only upon request of the Board of Education of Cleveland County and/or the Board of Trustees or governing authority of the Kings Mountain City Schools and/or the Board of Trustees or governing authority of the Shelby Public Schools, or said governing authorities having control or custody of any part of such proceeds.

Investment in U. S. Treasury Certificates.

Application of interest.

SEC. 2. Said proceeds may be invested or reinvested in United States Treasury Certificates of Indebtedness: *Provided, however,* that interest earned from such investment shall be applied to payment of interest maturing on said bonds; and *provided, further,* that nothing in this Act shall be construed as authorizing application of the money realized from such investment, except interest, to any purpose other than the purpose for which said bonds were issued.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 349 CHAPTER 255

AN ACT TO AMEND CHAPTER 251 OF THE PRIVATE LAWS OF 1889 RELATING TO THE NORTH CAROLINA STATE FIREMEN'S ASSOCIATION.

The General Assembly of North Carolina do enact:

Ch. 251, Private Laws, 1889, relating to N. C. State Firemen's Association, amended.

SECTION 1. Chapter 251 of the Private Laws of 1889 relating to the North Carolina State Firemen's Association is hereby amended by striking out the words "ten thousand" in the last line of Section 1 of said Chapter, and inserting in lieu thereof the words "forty thousand".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 354 CHAPTER 256

AN ACT TO AMEND SECTION 1-108 OF THE GENERAL STATUTES OF NORTH CAROLINA SO THAT THE SAME SHALL NOT APPLY TO ACTIONS OF ANNULMENT.

The General Assembly of North Carolina do enact:

G. S. 1-108, defense after judgment on substituted service, amended to except actions of annulment.

SECTION 1. That Section 1-108 of the General Statutes of North Carolina be, and the same is hereby amended by adding the words "or annulment" in line 7 of said Section between the words "divorce" and "or."

SEC. 2. This Act shall not apply to pending litigation.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 361 CHAPTER 257

AN ACT TO AMEND G. S. SECTION 143-129 RELATING TO THE LETTING OF PUBLIC CONTRACTS SO AS TO ELIMINATE THE REQUIREMENT OF POSTING A CHECK DRAWN ON A BANK AUTHORIZED TO DO BUSINESS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. 143-129, procedures for letting of public contracts, amended.

SECTION 1. Amend line 12 of paragraph 7 of Section 143-129 of the General Statutes of North Carolina by striking therefrom the following: "authorized to do business in this State," and inserting in lieu thereof the following "insured by the Federal Deposit Insurance Corporation."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 373 **CHAPTER 258**

AN ACT FIXING THE FEES OF JUSTICES OF THE PEACE AND PROCESS FEES OF THE SHERIFF AND CONSTABLES IN CIVIL ACTIONS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 7-134 is hereby amended by adding at the end thereof the following: G. S. 7-134, amended.

"The duly qualified and acting Justices of the Peace of Franklin County are authorized and empowered to include in their bills of cost in civil actions, for their own use and benefit, the following fees: Franklin County, fees of Justices of the Peace.

Summons	$1.00
Additional Defendants	.25
Affidavit	.50
Plaintiff's Undertaking	.50
Defendant's Undertaking	.50
Order to Seize Property	1.00
Trial When Issues Joined	2.00
Trial When No Issues Joined	1.00
Transcript of Judgment	.50
Execution of Judgment	.50
Return on Appeal	.50
Jury Trial and Entering Verdict	3.00
Drawing Jury	1.00"

SEC. 2. The Sheriff, Constables and other process officers of Franklin County are hereby authorized and empowered to collect in civil cases, for their own use and benefit, the following fees: Fees of Sheriff, Constables and other process officers in civil cases.

Serving Summons	$1.00
Seizing Property	1.00
Serving Subpoena	1.00
Execution	1.00
Summonsing Jurors, each	.50
Ejectment Proceedings	2.00

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 376 CHAPTER 259

AN ACT TO AMEND SECTION 2 OF CHAPTER 167 OF THE SESSION LAWS OF 1945, RELATING TO PROCESS FEES OF SHERIFF AND CONSTABLES IN CRIMINAL CASES IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 167, Session Laws, 1945, relating to process fees in criminal cases, Franklin County, amended.

SECTION 1. Section 2 of Chapter 167 of the Session Laws of 1945 is hereby amended by striking out the figures "1.50" which appear after the word "each" at the end of said Section, and inserting in lieu thereof the following: "2.00".

Travel allowance for process officers in criminal cases.

SEC. 2. The Sheriff, Constables and other Process Officers of Franklin County are hereby authorized and empowered to collect in criminal cases for their own use and benefit the sum of five cents (5c) per mile for each mile which was necessary to travel in order to make arrests, serve subpoenas and serve capiases.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 408 CHAPTER 260

AN ACT TO AMEND SECTION 1-116 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE FILING OF NOTICES OF LIS PENDENS.

The General Assembly of North Carolina do enact:

G. S. 1-116, relating to filing of notices of lis pendens, amended.

SECTION 1. That Section 1-116 of the General Statutes of North Carolina is hereby amended to read as follows:

SECTION 1-116. In actions affecting the title to real property, the plaintiff, at the time of issuing the summons, or at any time after the time of filing the complaint, or when at any time after a warrant of attachment is issued, or a defendant when he sets up an affirmative cause of action in his answer and demands substantive relief, or at any time after the time of filing his answer, if it is intended to affect real estate, may file with the clerk of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action, and the description of the property in that county affected thereby.

SECTION 1-116.1. In all actions as defined in Section 1-116 in which notice of pendency of the action is filed prior to the filing of the complaint, the plaintiff shall first obtain from the clerk a written order extending the date for filing the complaint as is provided in Section 1-121 of the General Statutes of North Carolina. A copy of the aforesaid order of the clerk and a copy of the notice of the pendency of the action shall be served on the defendant, or defendants, at the time of the service of summons. *Provided,* that in all such cases if the complaint is not filed within the time fixed by the order or orders of the clerk, entered in conformity with the provisions of Section 1-121 of the General Statutes of North Carolina, the notice of lis pendens shall become inoperative and of no effect. *Provided further,* that if the complaint is not filed within the time fixed by the order or orders of the clerk, the clerk may on his own motion and shall on the ex parte application of any interested party cancel such notice of lis pendens by appropriate marginal entry on the original record, which entry shall recite the failure of the plaintiff to file his complaint within the time allowed. Such applications for cancellation, when made in a county other than that in which the action was instituted, shall include a certificate over the hand and seal of the clerk of the county in which the action was instituted that the plaintiff did not file his complaint within the time allowed. The fees of the clerk may be recovered against the plaintiff and his surety.

G. S. 1-116.1, enacted. Issuance of notice with summons, upon order extending time to file complaint.

Notice inoperative if complaint not filed in time allowed.

Cancellation of notice upon failure to file complaint.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 412 CHAPTER 261

AN ACT TO AMEND G. S. 161-6 RELATING TO DEPUTY REGISTERS OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 161-6 is hereby amended by adding at the end thereof the following two paragraphs:

G. S. 161-6. amended

"Each register of deeds is authorized and empowered, in his discretion, to designate an assistant register of deeds, who, in addition to his other powers and duties, shall be authorized to register and sign instruments and documents in the name and under the title of the register of deeds, by himself as assistant. Such signing shall be substantially as follows:

Designation of assistant register of deeds to act in name of register of deeds.

John Doe—Register of Deeds
By Richard Roe—Assistant

Validity of acts of assistant.

"Such registering and signing when regular and sufficient in all other respects shall be valid for all purposes, and of the same force and effect as if such instrument or document had been registered and signed by the register of deeds personally.

Filing and registration of certificate of appointment.

The register of deeds shall file with the Clerk of the Superior Court of the county a certificate of the appointment of the assistant so designated and authorized to act in the name of the register of deeds, and the Clerk of the Superior Court shall record such certificate."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

S. B. 91 **CHAPTER 262**

AN ACT TO PROVIDE FOR THE LIABILITY OF PERSONS OWNING OR OPERATING RADIO STATIONS IN CASE OF FALSE STATEMENTS UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina do enact:

Liability of radio and television stations for broadcast of defamatory statements.

SECTION 1. The owner, licensee or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damage for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, by one other than such owner, licensee or operator, or agent or employee thereof, unless such owner, licensee or operator shall be guilty of negligence in permitting any such defamatory statement.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

S. B. 126 **CHAPTER 263**

AN ACT TO AMEND G. S. 113-111 RELATING TO THE CLOSED SEASON FOR HUNTING FOX IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 113-111, as it appears in the 1947 Cumulative Supplement to the General Statutes, is amended by inserting between the words "Avery and Iredell", in the second line of said Section, the word "Davidson,". G. S. 113-111, amended to permit fox hunting at any time, Davidson County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 79 **CHAPTER 264**

AN ACT TO REWRITE CERTAIN SECTIONS OF CHAPTER 50 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO DIVORCE.

The General Assembly of North Carolina do enact:

SECTION 1. Section 50-1 of the General Statutes is hereby rewritten to read as follows: G. S. 50-1, jurisdiction in cases of divorce and alimony, amended.

"50-1. Jurisdiction. The Superior Court and such other courts as are now or may hereafter be so vested by statute shall have concurrent jurisdiction of actions for divorce and alimony, or either."

SEC. 2. G. S. 50-5 is hereby amended by adding the words "or defendant" after the word "plaintiff" and before the word "in" in line 7 of paragraph 4 thereof. G. S. 50-5, amended as to residence requirements.

SEC. 3. G. S. 50-6 is hereby amended by adding the words "or defendant" after the word "plaintiff" and before the word "in" in line 6 thereof. G. S. 50-6, also amended as to residence requirements.

SEC. 4. G. S. 50-8 is hereby amended by adding after the word "complainant" in lines 5 and 6 of the second sentence and before the words "has been" in line 6 of said sentence, the words "or defendant". G. S. 50-8, relating to affidavit filed with complaint, amended.

G. S. 50-8 is hereby further amended by striking out the period following the word "complaint" at the end of the first G. S. 50-8, amended as to venue of action by nonresident.

proviso of said Section, substituting a colon therefor, and inserting the following:

"*Provided,* that if the plaintiff is a nonresident the action shall be brought in the county of the defendant's residence and summons personally served upon the defendant."

G. S. 50-5, amended as to divorce on grounds of insanity.

SEC. 5. G. S. 50-5 is hereby further amended by rewriting Subsection 6 thereof, as the same appears in the 1947 Cumulative Supplement to the General Statutes, so that said Subsection 6 shall read as follows:

Proof required for divorce on grounds of insanity.

"(6) In all cases where a husband and wife have lived separate and apart for ten consecutive years, without cohabitation, and are still so living separate and apart by reason of the incurable insanity of one of them, the court may grant a decree of absolute divorce upon the petition of the sane spouse: *Provided,* the evidence shall show that the insane spouse is suffering from incurable insanity, and has been confined for ten consecutive years next preceding the bringing of the action in an institution for the care and treatment of the mentally disordered. *Provided further* that proof of incurable insanity be supported by the testimony of two reputable physicians, one of whom shall be a staff member or the superintendent of the institution wherein the insane spouse is confined, and one regularly practising physician in the community wherein such husband and wife reside, who has no connection with the institution in which said insane spouse is confined.

Maintenance and support for insane wife.

Jurisdiction retained for enforcement of decree.

Support and maintenance defined.

Where plaintiff is wife, support of insane husband may be required.

"In all decrees granted under this Subsection in actions in which the husband is the plaintiff the court shall require him to provide for the care and maintenance of the insane defendant as long as she may live, compatible with his financial standing and ability, and the trial court will retain jurisdiction of the parties and the cause, from term to term, for the purpose of making such orders as equity may require to enforce the provisions of the decree requiring the plaintiff to furnish the necessary funds for such care and maintenance. In the event of feme defendant's continued confinement in an institution for the mentally disordered, it shall be deemed sufficient support and maintenance if the plaintiff continue to pay and discharge the monthly payments required of him by the institution, such payments to be in amounts equal to those required of patients similarly situated. In all such actions wherein the wife is the plaintiff and the insane defendant has insufficient income and the property to provide for his care and maintenance, then in the discretion of the court, the court may require her to provide for the care and maintenance of the insane defendant as long as he may live, compatible with her financial standing and ability, and the trial court will retain jurisdiction of the parties and the cause, from term to term, for the purpose of making such orders as equity may require

to enforce the provisions of the decree requiring plaintiff to furnish the necessary funds for such care and maintenance.

Service of process.

"Service of process shall be had upon the regular guardian for said defendant spouse, if any, and if no regular guardian, upon a duly appointed guardian ad litem and also upon the superintendent or physician in charge of the institution wherein the insane spouse is confined. Such guardian or guardian ad litem shall make an investigation of the circumstances and notify the next of kin of the insane spouse or the superintendent of the institution of the action and whenever practical confer with said next of kin before filing appropriate pleadings in behalf of the defendant.

Investigation and notification of next of kin.

Where conduct of plaintiff contributes to insanity.

"In all actions brought under this Subsection, if the jury finds as a fact that the plaintiff has been guilty of such conduct as has conduced to the unsoundness of mind of the insane defendant, the relief prayed for shall be denied.

Residence requirements.

"The plaintiff or defendant must have resided in this State for six months next preceding institution of any action under this Section."

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 199 **CHAPTER 265**

AN ACT TO REPEAL CHAPTER 177 OF THE 1945 SESSION LAWS OF NORTH CAROLINA, AND ALSO SECTIONS 2 AND 3 OF CHAPTER 402 OF THE PUBLIC-LOCAL LAWS OF 1939, IT BEING AN ACT "TO PROVIDE FOR THE TRANSFER OF CASES FROM THE RECORDER'S COURT OF CASWELL COUNTY TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED", AND TO PROVIDE A JURY FOR THE RECORDER'S COURT OF CASWELL COUNTY, NORTH CAROLINA AND TO FIX THE DATES IN WHICH A JURY TRIAL MAY BE HAD IN THE RECORDER'S COURT OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Ch. 177, Session Laws, 1945, repealed.

SECTION 1. That Chapter 177 of the 1945 Session Laws of North Carolina be and the same is hereby repealed.

Ch. 402, Public-Local Laws, 1939, amended.

SEC. 2. That Sections 2 and 3 of Chapter 402 of the Public-Local Laws of 1939 be and the same is hereby repealed.

Caswell County, jury for Recorder's Court.

Drawing of jury.

SEC. 3. That a jury is hereby provided for the Recorder's Court of Caswell County, which jury shall consist of six persons. The Sheriff of Caswell County shall cause to be drawn from the regular jury box in Caswell County the names of eight persons and be summoned by him at the next term of the recorder's court in said county as herein provided and the said jury so drawn shall appear at the time summoned by the sheriff for jury duty in the Recorder's Court of Caswell County. The said jury shall be drawn as aforesaid and in the presence of the judge of the recorder's court or the clerk thereof and be drawn in the same manner as jurors are drawn for the Superior Court of Caswell County with the exception that it shall not be necessary to draw said jury in the presence of the board of county commissioners.

Jury fee.

When a jury trial is requested by the plaintiff or the defendant he shall pay to the Clerk of the Recorder's Court of Caswell County the sum of ten dollars ($10.00) which shall not be refunded and shall be paid by the clerk into the general county fund.

Jury in divorce actions.

Provided, in case jurisdiction is conferred on the recorder's court to try divorce actions, then in that event all divorce actions shall be tried by a jury of twelve men.

Challenging of jurors.

SEC. 4. That every person on joint and several trials for crimes and misdemeanors in said recorder's court shall have the right of challenging peremptory and without showing cause, two jurors for each defendant, and other jurors for cause. The solicitor on behalf of the State shall have the right of challenging peremptory without showing cause one juror for each defendant and other jurors for cause, and the plaintiff shall have the right of challenging two jurors for each plaintiff, and other jurors for cause, and each defendant in civil cases shall have the right to challenge two jurors and other jurors for cause.

Terms of court for jury trials.

SEC. 5. That the term of court in which said jurors may be summoned for jury trial for said recorder's court shall be as follows: The fourth Monday in March, the fourth Monday in May, the fourth Monday in July, the fourth Monday in September, the fourth Monday in November and the fourth Monday in January of each year, *provided however,* if the judge of the recorder's court shall determine by an order made upon the minutes of said court that it is not necessary to have the next term of said court for jury trials, then in that event he may cancel said term of court and let such cases as may be set for trial at that term of court be continued for trial until the next term of court for jury trials as herein set out, and *provided further* if the judge of the recorder's court shall find that it is necessary to have more jury trials in said court, then in that event he shall make an order for the extra term or terms for jury trial in said court, *provided further* that in the event the

plaintiff or defendant demands a jury trial just prior to the convening of the Superior Court in said county, then the said judge of the recorder's court may transfer said case or cases to the Superior Court or to the next term of the recorder's court for jury trial.

Transfer of cases to Superior Court.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 261 CHAPTER 266

AN ACT TO AMEND SECTION 70, CHAPTER 7, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF COURT IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 70 of Chapter 7 of the General Statutes of North Carolina relating to terms of court, be, and the same is hereby amended, by striking out all of the paragraph relating to the Courts of Perquimans County under the division of First District, and inserting in lieu thereof, the following:

G. S. 7-70, amended as to terms of Superior Court, Perquimans County.

Perquimans—Sixth Monday after the first Monday in March; eighth Monday after the first Monday in September.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 309 **CHAPTER 267**

AN ACT TO PROVIDE A UNIFORM BILL OF COSTS IN CRIMINAL ACTIONS IN THE RECORDER COURTS OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Beaufort County, Recorder Courts, schedule of costs in criminal actions.

SECTION 1. That in all criminal actions brought in any of the Recorder Courts of Beaufort County in which the defendant enters a plea of guilty, a plea of nolo contendere, or is adjudged guilty by the court, the clerk of such court shall tax the following costs, in addition to such costs of taxes as are levied by State law:

(a) Affidavit of complainant, fifty cents ($.50)

(b) Order of arrest, one dollar ($1.00)

(c) Arrest fee, two dollars ($2.00)

(d) Patrol fee when applicable, one dollar ($1.00)

(e) Jail fee when defendant is incarcerated, one dollar ($1.00)

(f) Recognizance or other undertaking, one dollar ($1.00)

(g) Issuing subpoena, fifteen cents ($.15) for each witness

(h) Serving subpoena, fifty cents ($.50) for each witness.

(i) Judgment, two dollars ($2.00)

(j) Bill of costs, twenty-five cents ($.25)

(k) A solicitor fee of two dollars ($2.00)

(l) A clerk fee of two dollars ($2.00)

(m) Meals when applicable, fifty cents ($.50) each.

Monthly reports by clerks of courts to County Accountant.

SEC. 2. Each of the clerks of said courts shall file monthly reports with the County Accountant of Beaufort County, itemizing the costs collected by such clerk during said month, and at the time of filing such report, said clerk shall pay over such costs to the proper office or officer entitled to receive the same.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 315 **CHAPTER 268**

AN ACT TO AMEND CHAPTER 139 OF THE GENERAL STATUTES RELATING TO SOIL CONSERVATION DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 139-6, as the same appears in the 1947 Cumulative Supplement to the General Statutes, is hereby amended by rewriting the caption thereof so as to read as follows: G. S. 139-6, relating to county soil conservation districts, amended.

"Election and Duties of County Supervisors; County Chairman to be Ex Officio District Supervisor."

SEC. 2. Chapter 139 of the General Statutes relating to soil conservation districts is hereby amended by adding a new Section at the end thereof, to be designated G. S. 139-15, and to read as follows: G. S., Ch. 139, amended. G. S. 139-15, enacted.

"G. S. 139-15. County Supervisors: Powers and Duties. Wherever the words 'County Committeeman' or 'County Committeemen' appear in this Chapter, the same shall be construed to mean 'County Supervisor' or 'County Supervisors'; and each such county committeeman or county supervisor shall receive the same compensation and have and exercise the same rights, powers, duties, responsibilities and voting privileges granted to or imposed upon district supervisors in respect to soil conservation activities under the provisions of this Chapter." County Supervisors; powers and duties.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 324 **CHAPTER 269**

AN ACT TO AMEND G. S. 105-423.1 RELATING TO TAX LIENS AND FORECLOSURE SUITS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 105-423.1 is amended by adding to the end thereof a new sentence to read as follows: G. S. 105-423.1, barring tax liens for certain years amended to apply to Harnett County.

"This Section shall apply to Harnett County from and after July 1, 1950."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws amended.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 344 CHAPTER 270

AN ACT AUTHORIZING THE TOWN OF BESSEMER CITY TO SELL REAL ESTATE BELONGING TO SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Bessemer City, sale of certain property to Gaston County.

SECTION 1. The Town Commissioners of the Town of Bessemer City may, in their discretion, and they are hereby empowered and authorized, to sell to Gaston County, either publicly or privately, property located on the North side of Washington Avenue adjoining the property of the Bessemer City High School, it being the same property that is now used by the Bessemer City High School and the town as a gymnasium.

Conveyance of title in fee.

SEC. 2. Upon confirmation of sale by the town commissioners and the payment in full of the purchase price, the mayor is hereby directed to convey title for such lot or lots of land in his official capacity to the purchaser in fee simple.

Disposition of proceeds of sale.

SEC. 3. The proceeds arising from the sale or sales above provided for shall be paid to the treasurer of said Town of Bessemer City, and the monies coming into his hands therefrom shall be held by him as general funds to be expended upon order of the town commissioners for general purposes or expenses of said town or for the purpose of building and erecting a building or buildings to be used for municipal purposes as in their discretion they deem just and proper.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 366 CHAPTER 271

AN ACT TO AMEND CHAPTER FOUR HUNDRED SEVENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-FIVE, AS TO COURT REPORTERS IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 474, Public Laws, 1935, amended.

SECTION 1. That Chapter 474 Public Laws of 1935 be and the same is hereby amended, by adding three new Sections to be known as Section 2 (a), 2 (b) and 2 (c).

Alamance County, compensation of court reporter.

SEC. 2 (a). That the compensation to be paid to the court reporter provided for by Chapter 474 of Public Laws of 1935 of North Carolina shall be such amount as shall be fixed by the Board of Commissioners of Alamance County.

Conflicting laws repealed.

SEC. 2 (b). That all laws and clauses of laws in conflict with the provisions of this amended Act are hereby repealed.

SEC. 2 (c). That this amended Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 386 CHAPTER 272

AN ACT TO AMEND CHAPTERS 460 AND 645 OF THE SESSION LAWS OF 1947 AS THE SAME RELATE TO THE RECORDER'S COURT OF THE CITY OF REIDSVILLE.

Preamble: City of Reidsville, enactment of certain legislation requested.

WHEREAS, at a meeting of the Council of the City of Reidsville, held on February 10, 1949, the enactment of the legislation herein presented was requested: *Now, therefore,*

The General Assembly of North Carolina do enact:

Ch. 460, Session Laws, 1947, relating to Recorder's Court, City of Reidsville, amended.

SECTION 1. Insert a new Section in Chapter 460 of the Session Laws of 1947, to be numbered Section 4½, to follow immediately Section 4, and to read as follows:

Issuance of criminal process by police officials.

"SEC. 4½. The several policemen who are duly appointed desk sergeants shall likewise have authority to issue all criminal process returnable before said court on affidavit made before said desk sergeants and such processes shall be returnable forthwith to said court."

Ch. 645, Session Laws, 1947, amended.

SEC. 2. Amend Section 1 of Chapter 645 of the Session Laws of 1947 by striking out the second paragraph of said Section and inserting in lieu thereof the following:

Trial by jury, Reidsville Recorder's Court.

"That any defendant arraigned before said court may demand a jury trial; and it shall be the duty of the said City Council of the City of Reidsville to provide a jury box for this purpose containing the names of all persons eligible to jury service living within Reidsville Township, Rockingham County; and it shall be the duty of the Board of County Commissioners of Rockingham County upon request to furnish to said city

Regular day for trial of jury cases.

council a list of all such persons; that every other Tuesday, unless it be in conflict with the Superior Court of Rockingham County shall be designated as a day for the trial of all cases wherein a jury is demanded and the jury subpoenaed for said day shall try all causes in which a jury trial is demanded; that the city council at its regular monthly meeting shall draw a jury

Drawing of jurors.

of twenty-four (24) names for each jury day in the ensuing month and from said names there shall be selected six (6) jurors to try a cause between the State and the defendant or, in a civil case, between the plaintiff and the defendant. In the event that the Tuesday for jury trials shall conflict with the Superior Court of Rockingham County, jury trials shall be had

Tales jurors.

on the succeeding Tuesday after the Superior Court is over. If there be not sufficient jurors from the regular panel summoned, then a sufficient number of tales jurors may be summoned on

Jury trials on other than regular day.

the day of the trial by direction of the court. The recorder in his discretion may order a specific case tried by a jury on a day other than Tuesday and may request the city council to draw a

Challenges.

jury for that purpose. That challenges for cause to any juror shall be the same as for jurors in the Superior Court; that in a criminal action the State shall be entitled to two peremptory challenges and the defendant three peremptory challenges for which no reason need be assigned. In civil actions the plaintiff and defendant shall be entitled to three peremptory challenges each."

SEC. 3. Amend Section 3 of Chapter 645 of the Session Laws of 1947 by striking out the last paragraph of said Section and inserting in lieu thereof the following:

Pay of jurors.

"That said jurors summoned to serve in the Reidsville Recorder's Court shall receive for their services an amount to be fixed by the city council of not less than three dollars ($3.00) a day and not more than the sum paid per day by Rockingham County to jurors serving in the Superior Court. The city council, within the limits herein fixed, is authorized to differentiate between the pay of jurors who serve for a whole day and a part of a day."

SEC. 4. Amend Section 4 of Chapter 645 of the Session Laws of 1947 by striking out the last paragraph of said Section and inserting in lieu thereof the following:

Jury fee taxed as part of cost.

"That there shall be taxed in every civil and criminal action tried in the Recorder's Court of Reidsville Township the sum of

not less than one dollar ($1.00) nor more than four dollars ($4.00), the amount to be fixed by the City Council of Reidsville; *provided, however,* that the city council may fix different jury fees for civil cases, criminal cases, and cases originating outside of Reidsville Township; that said fees shall be deposited by the clerk of said recorder's court in a special fund for the payment of jurors summoned to serve in said court as herein provided."

Fees deposited in special fund.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 392 CHAPTER 273

AN ACT RELATING TO THE RECORDER'S COURT OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The abolition by resolution of the Board of County Commissioners of Currituck County on the third day of January, 1949 of the recorder's court of said county, created by Chapter 226 of the Public-Local Laws, Extra Session, 1913, and all Acts amendatory thereto, and the establishment by said resolution of a county recorder's court for said county under Article 25 of Chapter 7 of the General Statutes is hereby in all respects confirmed, ratified and validated. Chapter 226 of the Public-Local Laws, Extra Session, 1913, and all Acts amendatory thereto is repealed.

Currituck County, acts of Commissioners with respect to Recorder's Court validated.

Ch. 226, Public-Local Laws, Ex-Session 1913, repealed.

SEC. 2. Civil jurisdiction is hereby conferred upon the county recorder's court, established as provided in Section 1 of this Act, as follows:

Civil jurisdiction of county recorder's court.

(a) Jurisdiction concurrent with that of the justices of the peace within the county;

(b) Jurisdiction concurrent with the Superior Court in all actions founded on contract, wherein the amount involved exclusive of interest and costs does not exceed one thousand dollars ($1000);

(c) Jurisdiction concurrent with the Superior Court in actions not founded upon contract wherein the amount involved exclusive of interest and costs does not exceed the sum of five hundred dollars ($500);

(d) Jurisdiction concurrent with the Superior Court in all annulment and divorce actions.

Practice and procedure.

SEC. 3. The rules of practice, issuing and serving process, and filing pleadings shall conform, as near as may be, to the practice in the Superior Court: *Provided,* it shall not be necessary to file written pleadings in any action of which justices of the peace now have jurisdiction. The process shall be returnable directly to the court.

Jury trials in civil actions.

SEC. 4. In all civil actions the parties shall be deemed to have waived a trial by jury unless demand for such trial is made before the trial begins. The demand shall be in writing and signed by the party making it, or his attorney, and accompanied by a deposit of five dollars ($5.00) to insure the payment of the jury tax: *Provided,* such demand shall not be used to the prejudice of the party making it.

Continuance upon demand for jury trial.

SEC. 5. If a trial by jury is demanded, the recorder shall continue the cause until a day to be set, and the recorder, together with the Clerk of the Superior Court, shall immediately proceed to the office of the register of deeds of the county and

Jury list.

cause to be drawn a jury of eighteen, observing as nearly as may be the rule for drawing a jury for the Superior Court.

Summoning jurors.

The recorder shall issue the proper writ to the sheriff of the county, commanding him to summon the jurors so drawn to appear at the court on the day set for the trial of the action.

Tales jurors.

SEC. 6. The recorder shall have the right to call in bystanders according to the practice in the Superior Court as nearly as

Challenges.

the same is applicable, and each party shall have the same causes of challenge as in the Superior Court.

SEC. 7. The jury shall be a jury of twelve and the trial shall be conducted as nearly as possible as in the Superior Court.

Right of appeal to Superior Court.

SEC. 8. Appeals may be taken from the recorder's court to the Superior Court of the county in term time, for errors assigned in matters of law, in the same manner as now provided for appeals from the Superior Court to the Supreme Court, with the exception that the record may be typewritten instead of printed, and only one copy thereof shall be required. The time for taking and perfecting appeals shall be counted from the end of the term. Upon such appeal the Superior Court may either affirm or modify the judgment of the recorder's court,

Appeals to Supreme Court.

or remand the cause for a new trial. From the judgment of the Superior Court an appeal may be taken to the Supreme

Trial de novo in Superior Court.

Court: *Provided,* that appeals from a county recorder's court to the Superior Court of the said county shall be tried de novo in the Superior Court.

SEC. 9. Orders to stay execution shall be the same as in appeals from the Superior Court to the Supreme Court. Judgments of the recorder's court may be enforced by executions is-

sued by the clerk thereof, returnable within twenty days. Transcripts of such judgments may be docketed in the Superior Court, as now provided for judgments of justices of the peace; and the judgment, when docketed, shall in all respects be a judgment of the Superior Court as if rendered by such court, and shall be subject to the same statute of limitations and the statutes relating to revival of executions: *Provided*, that a judgment of the recorder's court shall not be a lien upon real estate until docketed in the Superior Court. Judgments of recorder's court.

SEC. 10. In all civil actions the clerk shall tax against the losing party the sum of three dollars ($3.00) in cases originally within the jurisdiction of the justice of the peace, and the sum of six dollars ($6.00) in all other cases, and all sums so collected shall be disposed of as provided for tax fees in criminal actions in G. S. 7-238. Recorder's Court fund cost item.

SEC. 11. The judge of said court, who was appointed by resolution of the board of county commissioners on the third day of January, 1949, shall hold office until the next regular election wherein county officers are elected and until his successor is elected and qualified. The successor of the judge herein provided for and each succeeding judge shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers for said county and in the general election for such elective officers, and thereafter shall serve for a term of four years and until his successor is elected and qualified. Term of incumbent judge. Nomination and election of succeeding judge.

SEC. 12. There shall be a Prosecuting Attorney of the Recorder's Court of Currituck County who shall be appointed by the board of county commissioners of said county who shall serve at the pleasure of said board. The prosecuting attorney shall be paid for his services a fee of three dollars ($3.00) for each defendant pleading or found guilty in said court or against whom probable cause is found or judgment is suspended, such fees to be taxed in the bill of costs in each case. The board of county commissioners, in their discretion, may require that the duties of prosecuting attorney be performed by the county attorney, and, in such event, he shall receive the same fee herein provided for, in addition to all other compensation for services performed by him as county attorney. Appointment of prosecuting attorney. Fees of prosecuting attorney.

SEC. 13. The Judge of the Recorder's Court of Currituck County shall receive an annual salary of nine hundred dollars ($900), payable in equal monthly installments. In the absence of the judge at any session of the court, whether caused by illness or otherwise, the judge, with the approval of the county commissioners, may name an assistant judge who shall serve in such capacity during the absence of the regular judge. Salary of Judge. Assistant judge.

SEC. 14. All jurors shall receive as compensation for their services the sum of one dollar ($1.00) per day for their at- Compensation of jurors.

tendance upon said court, and no mileage allowance shall be paid them, nor shall it be taxed in the bill of costs.

Transfer of cases.

SEC. 15. All cases pending and on the docket of the recorder's court abolished by this Act are hereby transferred to the court established under authority of Article 25 of Chapter 7 of the General Statutes and referred to in Section 1 of this Act.

Conflicting laws repealed.

SEC. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 17. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 410 **CHAPTER 274**

AN ACT TO FIX THE PAY OF LOCAL REGISTRARS OF VITAL STATISTICS IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Caswell County, fees of local Registrars of vital statistics.

SECTION 1. That each local Registrar of Vital Statistics in Caswell County shall be paid the sum of seventy-five cents (75c) for each birth certificate and each death certificate properly and completely made out and registered by him, correctly recorded and promptly returned by him to the State Registrar as required by Article 9, Chapter 130, of the General Statutes of North Carolina.

Application of G. S. 130-101, pay of local registrars, to Caswell County.

SEC. 2. That the provisions of G. S. 130-101, in so far as the same conflicts with the provisions of this Act shall not apply to Caswell County, but the provisions of said Act, not in conflict with or repugnant to this Act, shall continue to apply to said county, it being the intent and purpose of this Act to increase the fee for registration of vital statistics from fifty cents (50c) to seventy-five cents (75c).

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 414 **CHAPTER 275**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ANSON COUNTY TO TURN INTO THE GENERAL FUND CERTAIN DELINQUENT TAXES UPON COLLECTION OF THE SAME.

The General Assembly of North Carolina do enact:

Anson County, delinquent tax collections payable to general fund.

SECTION 1. The Board of County Commissioners of Anson County is authorized and empowered, in its discretion, to turn into the general fund of the county the proceeds of all uncollected taxes which may be hereafter collected for the year 1947 and all prior years.

SEC. 2. All delinquent taxes for the year 1948 and for each subsequent year, after having been delinquent for a period of one year from and after their due date, shall, when collected, be turned into the General Fund of Anson County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 415 **CHAPTER 276**

AN ACT TO AMEND CHAPTER 334 OF THE SESSION LAWS OF 1947 RELATING TO THE ADJUSTMENT OF DELINQUENT TAXES IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 334, Session Laws, 1947, relating to adjustment of delinquent taxes, Anson County, amended.

SECTION 1. Section 1 of Chapter 334 of the Session Laws of 1947 is amended by striking out in line 3 of said Section the figures "1942" and inserting in lieu thereof the figures "1944."

SEC. 2. Section 2 of Chapter 334 of the Session Laws of 1947 is amended by striking out in line 3 of said Section the figures "1942" and inserting in lieu thereof the figures "1944."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 449 **CHAPTER 277**

AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

City of Hendersonville, appointment of member of Board of Water Commissioners.

SECTION 1. That pursuant to provisions contained in Chapter 113, pages 150 to 159 of the Public, Local and Private Laws, entitled "An Act to Amend the Charter of the City of Hendersonville" ratified December 19, 1921, R. C. Sample be, and he is hereby re-elected and appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term to which he was duly elected by Act of the General Assembly of 1943.

Term of office.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 467 **CHAPTER 278**

AN ACT TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR THE OFFICE OF MAYOR AND MEMBERS OF THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF MURPHY BY POLITICAL PARTIES AND TO AUTHORIZE THE COUNTY BOARD OF ELECTIONS OF CHEROKEE COUNTY TO CONDUCT AND HOLD A MUNICIPAL ELECTION IN THE TOWN OF MURPHY.

The General Assembly of North Carolina do enact:

Town of Murphy, nomination of candidates for general municipal election in party convention.

SECTION 1. That on and after the effective date of this Act, all candidates to be voted on in the general municipal election of the Town of Murphy, at which time a mayor and members of the board of town commissioners are to be elected, shall be nominated in political party conventions in the manner and form herein prescribed and no other name shall be printed on the general official ballot for the Town of Murphy unless such candidate or candidates are nominated and selected under the provisions of this Act: *Provided,* that an elector who desires to vote for a person whose name does not appear on the ballot or ticket can substitute the name by writing it in with a pencil or ink in the proper place, and making a cross (X) mark in

Write-in votes on ballot.

the blank space at the left of the name so written in, and when a name is written in on the official ballot of the Town of Murphy, the new name so written in shall be treated like any other name on the ballot.

"Political party" defined.

SEC. 2. A political party within the meaning of this Act shall be every political party, association or group of voters which at the last preceding general State election polled for its candidate for Governor, or for presidential electors in the State, at least 500 votes in the County of Cherokee. That from and after the effective date of this Act, all general municipal elections in the Town of Murphy shall be called, held and conducted by the County Board of Elections of Cherokee County, and said elections shall be conducted as far as practicable, in all things and in all details, in accordance with the general election laws of the State as provided for the election of State officials and members of the General Assembly, unless otherwise provided by this Act, and all general laws of the State of North Carolina, relating to elections, generally, and as provided by Chapter 163 of the General Statutes of North Carolina, as amended or as may hereafter be amended, shall govern all such elections, except where inconsistent with this Act. That said general election laws, as above set forth, shall apply as fully to such elections and the acts and things done thereunder as to general elections, unless different provisions are made in this Act; and all acts made criminal, if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed on or in connection with an election held hereunder: *Provided,* that when any certain duties are prescribed under the general election law to be done and performed by State or county officials unknown to municipal corporations, which are likewise required to be done and performed in such municipal election, then and in that case such duties shall be done and performed by the officer or officers whose office and duties bear the greatest analogy to those of the officer named in the general election law for whom such duty is prescribed: *Provided, however,* that in no event may absentee ballots be used in any general municipal election held for the Town of Murphy.

Conduct of general municipal elections in accordance with general election laws of State.

Absentee ballots prohibited.

Payment of expense of elections.

SEC. 3. That all elections conducted by the County Board of Elections of Cherokee County under this Act shall be held at the expense of, and paid for by, the Town of Murphy, and said expense shall constitute a legal and valid expenditure of the funds of the said Town of Murphy for that purpose. That in the conduct of said elections for the Town of Murphy, the County Board of Elections of Cherokee County shall have the power to appoint all of the precinct election officials for the conduct of the elections, to prepare and distribute ballots, and shall have the same jurisdiction and authority to change precinct boundaries, create new precincts and fix the voting places as is now conferred by law on said county board of elections governing State and county elections, and said county board of

Powers of Cherokee County Board of Elections with respect to elections for Town of Murphy.

elections shall canvass the returns of said elections and certify the result to the Clerk of the Town of Murphy and also to the Clerk of the Superior Court of Cherokee County.

Political party conventions.

SEC. 4. That on or before the fourth Tuesday preceding the date of the holding of the general municipal election of the Town of Murphy, any political party, as herein defined, desiring to nominate candidates for Mayor and/or members of the Board of Town Commissioners of the Town of Murphy shall hold a convention for the purpose of making such nominations and selecting such candidates. The convention so called by any political party, as herein defined, shall determine its own organization and procedure except that the convention shall elect a secretary who shall keep faithful and accurate minutes of the proceedings of the convention. All electors who are in good faith affiliated with the political party calling the convention and who are qualified to vote at the succeeding general municipal election of the Town of Murphy shall be qualified to cast one vote in the convention for the selection of each candidate nominated or chosen therein, and not more than one candidate for the Mayor of the Town of Murphy and not more than six candidates for the Board of Town Commissioners of the Town of Murphy shall be nominated or chosen at said convention. Not later than two days from the date of holding said convention, the secretary of the convention shall certify and send to the County Board of Elections of Cherokee County, or the chairman thereof, the date of the holding of said convention, the name of the political party for which said convention was held and the names of the candidates selected in said convention for the office of Mayor and members of the Board of Town Commissioners of the Town of Murphy and such other information as the County Board of Elections of Cherokee County may, by regulation, prescribe. Upon receipt of this certificate, the County Board of Elections of Cherokee County, not less than ten days before the holding of any general municipal election for the Town of Murphy, shall cause to be published in some newspaper of the Town of Murphy the names of such candidates and the political party for which such candidates are nominated and such other information as the County Board of Elections of Cherokee County may, by regulation, prescribe and shall cause the names of such candidates to be printed on a separate official ballot to be used by voters in the general municipal election for the Town of Murphy, which ballot shall also have printed thereon the name of the party for which such candidates have been nominated.

Organization and procedure of convention.

Report of convention to County Board of Elections.

Contents of report.

Publication of names of candidates, etc.

Printing of ballots.

Participation in convention by ineligible voter made misdemeanor.

SEC. 5. That if any person shall participate in, vote in or aid or assist in the selection of any candidate in any party convention held under the provisions of this Act, when such person is not eligible to participate in or to vote in said convention or is not in good faith affiliated with the political party calling and conducting such convention, he shall be guilty of a misdemeanor

and upon plea of guilty or conviction shall be punished in the discretion of the court. If any person shall wilfully or intentionally permit, suffer or allow himself to be nominated or chosen as a candidate in any party convention held under the provisions of this Act when such person is not in good faith affiliated with the political party calling or conducting such convention, he shall be guilty of a misdemeanor and upon plea of guilty or conviction shall be punished in the discretion of the court; and if such candidate shall be elected and inducted into office, upon such plea of guilty or conviction and as an incident to the judgment therein, he shall be immediately removed from office, and any vacancy arising thereby shall be filled in the regular manner of filling new vacancies as provided by the general law of the State or any Public-Local or special Act applicable to the Town of Murphy.

Misrepresentation as to party affiliation, made misdemeanor.

Removal from office.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 468 **CHAPTER 279**

AN ACT TO CREATE A BOXING AND WRESTLING COMMISSION FOR CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby created a Boxing and Wrestling Commission for Cherokee County to be known and designated as the Cherokee County Boxing and Wrestling Commission. Said commission shall consist of three citizens of Cherokee County, and Frank Forsythe is hereby appointed a member of said boxing and wrestling commission to serve for a period of six years from and after the effective date of this Act; James Bryson, Jr. is hereby appointed a member of said boxing and wrestling commission to serve for a period of four years from and after the effective date of this Act; and Thomas C. Day is hereby appointed a member of said boxing and wrestling commission to serve for a period of two years from and after the effective date of this Act. The members of said boxing and wrestling commission shall hold their offices for the periods above named and until their successors are appointed by the General Assembly of North Carolina. The members of said boxing and wrestling commission shall serve without compensation.

Cherokee County, Boxing and Wrestling Commission created.

Appointment and terms of members.

Members to serve without compensation.

Boxing and wrestling exhibitions declared lawful.

SEC. 2. It shall be lawful to engage in, manage or promote boxing exhibitions and matches or wrestling exhibitions in Cherokee County: *Provided*, that said boxing exhibitions and matches shall not be more than twelve rounds in length, and the same may be conducted in the discretion of the commission as exhibitions and matches in which no decision shall be rendered or a decision may be rendered by a referee or judges appointed by the commission. The Cherokee County Boxing and Wrestling Commission shall have full power and authority to make such rules and regulations as, in its judgment and discretion, may be necessary for the proper regulation of such boxing and/or wrestling exhibitions and matches, and such rules and regulations shall be applicable and binding upon all persons even after consent has been given for the holding of such boxing and/or wrestling exhibitions and matches.

Regulations by Commission.

Violations made misdemeanor.

SEC. 3. Any person, firm, association or corporation guilty of engaging in or promoting, aiding, assisting or abetting any boxing exhibitions and boxing matches or sparring or wrestling exhibitions without first having the written consent of the Cherokee County Boxing and Wrestling Commission, and any person, firm, association or corporation violating the rules and regulations of said commission or refusing to obey the orders of said commission controlling and regulating a boxing match, boxing exhibition, or sparring match or wrestling exhibition shall be guilty of a misdemeanor, and upon plea of guilty or conviction shall be punished in the discretion of the court.

Promotion of exhibitions by certain organizations.

SEC. 4. All boxing exhibitions, boxing matches or sparring matches or wrestling exhibitions, by whatsoever name called, which shall be held, conducted or promoted under the provisions of this Act shall be for the benefit of and shall be held and conducted under the auspices of fraternal, civic, charitable, educational or beneficial organizations. The Cherokee County Boxing and Wrestling Commission shall have the power and authority to regulate any and all admission charges to such boxing exhibitions and matches and wrestling exhibitions and shall have the power and authority to deduct or use from such admission charges any sum or sums necessary and sufficient to defray the expenses of conducting such boxing exhibitions and matches or wrestling exhibitions, including any necessary clerical assistance for the Cherokee County Boxing and Wrestling Commission. The Cherokee County Boxing and Wrestling Commission is hereby declared to be a body corporate and an agency of Cherokee County. The said commission is authorized to own and hold property, both real and personal and to convey the same; to enter into contracts, leases and to do any and all things necessary for the proper conduct of such boxing exhibitions and matches or wrestling exhibitions, and said commission is authorized to determine its own organization and to adopt rules and regulations regulating its meetings and methods of procedure. At the first meeting of the commission, the chair-

Powers of Commission with respect to admission charges.

Commission declared body corporate.

Powers of Commission.

man shall be elected, and such other officers as are necessary to conduct the affairs of the commission, including a treasurer, who shall give a bond with sufficient sureties for the safekeeping of all money and property of the commission. The Cherokee County Boxing and Wrestling Commission shall not be liable in any suit for damages nor shall any tort action be maintained against said commission or any member thereof, either officially or personally, for or on account of anything done or any action taken or the results from any boxing exhibition or boxing match or wrestling exhibition or in connection with anything pertaining to said boxing exhibitions and matches or wrestling exhibitions so conducted and controlled by said commission. Said commission shall have the power and authority to prohibit or stop a boxing match or wrestling match at any time and even after consent has been given for the holding of such boxing exhibition or match, or wrestling match.

Election of officers.

Civil liability of Commission.

Authority of Commission to prohibit or stop matches.

SEC. 5. It shall be the duty of the Sheriff of Cherokee County, and of the chief of police of any incorporated town in which any boxing exhibition or match or wrestling exhibition is held, to provide sufficient deputy sheriffs or policemen, or other peace officers, necessary to maintain and preserve peace and to prevent disorders at such boxing exhibitions or matches, or wrestling matches or exhibitions.

Police protection at exhibitions.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 470 CHAPTER 280

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE CHAPEL HILL RECORDER'S COURT TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

The General Assembly of North Carolina do enact:

SECTION 1. In all trials in the Chapel Hill Recorder's Court, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person, or that there is no probable cause for charging the prisoner with an offense, he shall discharge such prisoner. If it shall appear that an offense has been committed, and that there is probable cause to believe that the defendant is guilty,

Chapel Hill Recorder's Court, hearing to determine probable cause upon demand for jury trial.

Transfer of case to Superior Court when probable cause found.

or if the defendant shall waive preliminary examination, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said case for trial to the Superior Court of Orange County, and the defendant shall execute a new bond in such amount as may be fixed by the recorder for his appearance at the next term of the Superior Court of Orange County.

New appearance bond.

Jurisdiction of Superior Court in such cases.

SEC. 2. That in such case the Superior Court shall have jurisdiction as in case of an appeal from the recorder's court in misdemeanors or crimes of less degree.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 474 CHAPTER 281

AN ACT TO ENABLE THE BOARD OF COUNTY COMMISSIONERS OF GREENE COUNTY TO CONTINUE TO PAY AN EMERGENCY BONUS TO COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Greene County, continuance of payment of emergency bonus to county employees and officials.

SECTION 1. The Board of Commissioners of Greene County is hereby authorized and empowered to continue to pay an emergency bonus or sum, in such amount or amounts as it sees fit, in addition to the salaries heretofore paid to the employees of Greene County, including the elected officials whose salaries are fixed by the Legislature, and said board is authorized in its discretion to make such payments effective at the effective date of the emergency bonus or extra payments to the employees of the State of North Carolina, any such emergency bonus or extra payments heretofore having been made by said board of commissioners being hereby ratified, validated and approved. The emergency payments authorized under this Act may be continued for a period of two years or longer in the discretion of the said Board of Commissioners of Greene County.

Prior bonus payments validated.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 483 **CHAPTER 282**

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF LAURINBURG, IN SCOTLAND COUNTY, TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. The Chief of Police and each and every member of the Police Department of the Town of Laurinburg, in Scotland County, are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of said Town of Laurinburg as is now exercised by police officers within the corporate limits of the said town.

Town of Laurinburg, police jurisdiction extended.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 487 **CHAPTER 283**

AN ACT AUTHORIZING THE APPOINTMENT OF A DEPUTY SHERIFF IN DAVIE COUNTY AND PROVIDING FOR HIS COMPENSATION.

The General Assembly of North Carolina do enact:

SECTION 1. The Sheriff of Davie County is hereby authorized to appoint one deputy sheriff, who shall be a resident of Jerusalem Township in Davie County. The deputy sheriff so appointed shall be paid out of general county funds a monthly salary of one hundred fifty dollars ($150.00) which shall be in addition to any other fees or compensation to which he may be lawfully entitled.

Davie County, appointment of deputy sheriff.

Salary.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 488 **CHAPTER 284**

AN ACT AUTHORIZING THE TOWN OF SOUTHERN PINES TO APPROPRIATE AND SPEND THE SUM OF THIRTY THOUSAND DOLLARS, DERIVED FROM THE ISSUANCE AND SALE OF BONDS OF SAID TOWN FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING A PLANT FOR THE INCINERATION OR DISPOSAL OF ITS GARBAGE OR REFUSE OTHER THAN SEWAGE.

Preamble: Town of Southern Pines, bond issue for sanitary sewer system.

WHEREAS, during the year 1946, the Town of Southern Pines, in accordance with the formalities required by the laws of the State of North Carolina relating thereto, issued bonds in the sum of seventy thousand dollars ($70,000.00) for the purpose of enlarging and improving its sanitary sewer system; and

Bond issue for construction of incineration plant.

WHEREAS, during the year 1946, the Town of Southern Pines, in accordance with the formalities required by the laws of the State of North Carolina relating thereto, issued bonds in the sum of thirty thousand dollars ($30,000.00) for the purpose of constructing and equipping a plant for the icineration or disposal of its garbage or refuse other than sewage; and

Cost of work greater than authorized bond issuances.

WHEREAS, the cost of enlarging and improving its sanitary sewer system and the cost of constructing and equipping a plant for the incineration or disposal of its garbage or refuse other than sewage amounted to more than the authorized bond issuances; and

Desire of town to use method of trench or area disposal.

Desire to use proceeds of bonds issued for construction of incinerator.

WHEREAS, the Town of Southern Pines desires to eliminate its garbage and refuse other than sewage by the method of trench or area disposal and to erect buildings, and to purchase sites and equipment for and incident to such disposal with the moneys and funds derived from the sale of the bonds in the amount of thirty thousand dollars ($30,000.00) issued for the purpose of constructing and equipping a plant for the incineration or disposal of its garbage or refuse other than sewage and to expend any moneys or funds derived from said bond issue not used for the trench or area disposal for the purpose of enlarging and equipping its sanitary sewer system: *Now, therefore,*

The General Assembly of North Carolina do enact:

Establishment of trench or area disposal method for garbage, etc., authorized.

SECTION 1. That, whenever, in the opinion of a majority of the members of the Board of Commissioners of the Town of Southern Pines, the moneys and funds, with all interest on the same, derived from the issuance and sale of bonds of said town, in the sum of thirty thousand dollars ($30,000.00), are not needed or necessary for the purposes for which said bonds were originally issued and sold, the said town, by a vote of a majority of the members of the board of commissioners of said town, is

hereby authorized and empowered to appropriate and spend said moneys and funds for the purpose of erecting and repairing buildings and to purchase sites and equipment for and incident to the elimination of its garbage and refuse other than sewage by the method of trench or area disposal, and to use any portion of said moneys and funds for the purpose of enlarging and equipping said town's sanitary sewer system; *provided*, the authority herein granted shall not be construed as prohibiting said town from spending said moneys and funds for the purpose for which the bonds were originally issued and sold, in the event the town decides said funds are needed or necessary for said purposes.

Portion of funds used for enlarging and equipping sanitary sewer system.

Expenditure of funds for original purpose not prohibited.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 495 CHAPTER 285

AN ACT TO TRANSFER CERTAIN ASSETS TO THE GENERAL FUND OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All delinquent taxes due Burke County which have been due and payable for two or more years, shall, when collected, and on the date of said collection, together with the penalties and costs accrued, be paid into the General Fund of Burke County.

Burke County, delinquent tax collections payable to general fund.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 497 **CHAPTER 286**

AN ACT AUTHORIZING THE CREATION OF A PERSONNEL SYSTEM, MERIT SYSTEM, OR CIVIL SERVICE SYSTEM IN THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

City of Hickory, adoption of personnel, merit or civil service system, authorized.

SECTION 1. That the City Council of the City of Hickory is hereby authorized to adopt by ordinance a personnel system, merit system, or civil service system, for the selection, employment, classification, advancement, suspension, discharge, and retirement of appointive officers and employees. The city council may provide for the appointment of a civil service commission or personnel officer and may delegate to such civil service commission or personnel officer such powers and duties in relation thereto as in its discretion may be deemed advisable.

Appointment of civil service commission or personnel officer.

Intent of Act.

It is intended by the provisions of this Act to enable the City Council of the City of Hickory to adopt such a personnel system, merit system, or civil service system as may be adaptable to the City of Hickory; such system may consist merely of the setting up of minimum standards of employment and qualifications for the various classes of employment in said municipality or may consist of a comprehensive civil service system as in the sound discretion of said city council may be for the best interests of the public service in said municipality.

Designation of departments, officers and employees to be placed under system.

SEC. 2. In said ordinance creating such system said city council shall designate the departments, appointive officers or employees of the city which shall be placed under such merit system or civil service system; the city council may from time to time, by ordinance, add additional departments, appointive officers or employees of the city to the list originally designated in the ordinance creating such system. The city council shall not have the authority to withdraw any departments, appointive officers, or employees from the operation of such system unless and until the withdrawal thereof shall have been submitted to the qualified electors of said city at a special or regular municipal election held in said city and shall have been approved by electors voting on such proposition.

Withdrawal from system subject to election.

Effect of ordinances adopted pursuant to Act.

SEC. 3. In the event the city council adopts an ordinance as authorized by this Act, said ordinance shall take precedence over any conflicting provisions of the city charter during the effectiveness of said ordinance.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 499 **CHAPTER 287**

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF THE CITY OF ALBEMARLE TO SPEND A PORTION OF THE REVENUE FROM PARKING METERS.

The General Assembly of North Carolina do enact:

City of Albemarle, use of parking meter revenues and certain surplus funds for public purposes.

SECTION 1. The Board of Commissioners of the City of Albemarle is authorized and empowered, annually, in its discretion, to set apart and appropriate from parking meter revenue of the City of Albemarle or from surplus funds of the city not raised by taxation, and not otherwise appropriated, an amount not exceeding $10,000.00 for the purpose of aiding and encouraging the location of manufacturing, industrial and commercial plants in said city, to provide for a community recreation program, the development of white and colored high school bands, the development of a program for city planning, for advertising the advantages and resources of the city, and for such other purposes as will, in the opinion of the board of commissioners, increase the taxable wealth within the city and promote the general welfare of the city and its people, all of which purposes are hereby declared to be public purposes of the city.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 500 **CHAPTER 288**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF ALBEMARLE TO COOPERATE WITH STANLY COUNTY IN THE EQUIPPING OF THE NATIONAL GUARD ARMORY NOW OWNED BY STANLY COUNTY.

The General Assembly of North Carolina do enact:

City of Albemarle, cooperation with Stanly County in equipping National Guard Armory.

SECTION 1. The Board of Commissioners of the City of Albemarle is hereby authorized and empowered, in its discretion, to cooperate with the Board of Commissioners of Stanly County in providing heating facilities, seating and other facilities in the National Guard Armory now owned by Stanly County and for this purpose the Board of Commissioners of the City of Albemarle is hereby authorized and empowered, in its discretion, to appropriate out of its revenues or unencumbered funds

Appropriation authorized.

a sum not exceeding seven thousand five hundred dollars ($7,500.00).

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 513 CHAPTER 289

AN ACT RELATIVE TO JURY TRIALS IN THE RECORDER'S COURT OF HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Hertford County Recorder's Court, transfer of cases to Superior Court upon demand for jury trial.

SECTION 1. In all trials in the Recorder's Court of Hertford County, upon demand for a jury trial by the defendant or the prosecuting attorney representing the State, the judge of the recorder's court shall transfer said trial to the Superior Court of Hertford County and the defendant shall execute a new bond in such an amount as may be named by the judge of said court for the defendant's appearance at the next term of the Superior Court of said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 525 CHAPTER 290

AN ACT AUTHORIZING THE APPOINTMENT OF AN ASSISTANT JUDGE OF THE RECORDER'S COURT OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Lincoln County Recorder's Court, appointment of assistant judge.

SECTION 1. The Board of County Commissioners of Lincoln County is hereby authorized and empowered to appoint an Assistant Judge of the Recorder's Court of Lincoln County. The appointment of such assistant judge may be made at any time after the ratification of this Act, and subsequent appointments shall be made annually by the board on the first Monday in December.

The assistant judge shall hold court at all such times as the regular judge may be absent or unavailable for any reason, and while so serving, the assistant judge shall exercise all lawful powers and perform all duties incident to the trial of cases and conduct of the court, as fully in all respects as such powers and duties could be exercised or performed by the regular judge. Powers and duties of assistant judge.

The assistant judge shall receive such compensation as the board of county commissioners may from time to time deem commensurate with the service rendered by him, such compensation to be paid out of general county funds. Compensation.

Appointment and service as assistant judge shall not preclude the assistant judge from practicing as an Attorney at Law in the Recorder's Court of Lincoln County in respect to matters in which he exercises no judicial function as assistant judge of such court. Practice of law by assistant judge.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 531 CHAPTER 291

AN ACT RELATIVE TO THE TIME OF THE MEETING OF THE BOARD OF EQUALIZATION AND REVIEW OF JONES COUNTY IN THE YEAR 1949.

The General Assembly of North Carolina do enact:

SECTION 1. In order to permit the reassessment and revaluation of property for ad valorem tax purposes in Jones County to be completed in an orderly and consistent manner, and in order for such reassessed valuations to become effective as of January 1, 1949, the Board of Equalization and Review of Jones County is hereby authorized to hold its first meeting at any time not less than two weeks, nor more than four weeks, after the work of revaluation and reassessment shall have been completed. The board shall give notice of the time and place of the meeting as provided in Subsection (6) of Section 105-327, and the work of the board shall be conducted in the manner provided by Subchapter 2 of Chapter 105 of the General Statutes. The decisions of the board and the assessed valuations of property shall be valid and effective notwithstanding the fact that the board may meet at a time later than that designated by G. S. 105-327. Jones County, time of meeting of Board of Equalization and Review. Notice of meeting. Validity of decisions of board and assessed valuations.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 557 **CHAPTER 292**

AN ACT TO AMEND CHAPTER 754 OF THE SESSION LAWS OF 1947, RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF SWAIN COUNTY, OTHER THAN THE CHAIRMAN.

The General Assembly of North Carolina do enact:

Ch. 754, Session Laws, 1947, amended.

SECTION 1. Amend Chapter 754 of the Session Laws of 1947 by striking out Section 2 of said Chapter and by inserting in lieu thereof the following:

Swain County, compensation of members of Board of Commissioners.

"SEC. 2. The members of the Board of County Commissioners of Swain County, other than the chairman, shall be paid for their services as members of said board the sum of twenty-five dollars ($25.00) per month, which said sum shall constitute full compensation for any and all official services performed by the members of the board, other than the chairman, in any one month."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 579 **CHAPTER 293**

AN ACT AUTHORIZING THE TRANSFER OF SURPLUS SPECIAL FUNDS OF BEAUFORT COUNTY TO THE DEBT FUNDS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Beaufort County, transfer of surplus special funds to debt fund.

SECTION 1. That the Board of County Commissioners of Beaufort County is authorized and empowered to transfer any funds, taxes, or assessments which were levied and collected prior to 1947 for any special purpose, and which funds are not now required for such purpose, to the debt fund of said county.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

H. B. 584 **CHAPTER 294**

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HENDERSON COUNTY TO TRANSFER FUNDS FROM DEBT SERVICE ACCOUNTS OF TOWNSHIPS AND SPECIAL DISTRICTS WHERE SUCH DEBTS HAVE BEEN PAID TO THE SCHOOLS SERVING SAID DISTRICTS OR TOWNSHIPS.

The General Assembly of North Carolina do enact:

Henderson County, transfer of special debt service funds to school funds.

SECTION 1. The Board of Commissioners of Henderson County are authorized to transfer all funds now held in special accounts for debt services of special districts or townships, where the debt for which such sums was collected have been paid in full, to the schools serving said special districts or townships, and such funds are to be distributed to said schools on a per capita basis and are to be used for maintenance and improvement of buildings.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1949.

S. B. 64 **CHAPTER 295**

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES SO AS TO PROVIDE FOR THE ISSUANCE OF REPAIR OR REPLACE ENDORSEMENTS.

The General Assembly of North Carolina do enact:

G. S. 58-158, relating to fire insurance, amended.

SECTION 1. Section 58-158 of Article 18, Subchapter III of Chapter 58 of the General Statutes, is hereby amended to read as follows:

Limitation as to amount of policies and term.

"SECTION 58-158. No insurance company or agent shall knowingly issue any fire insurance policy upon property within this State for an amount which, together with any existing insurance thereon, exceeds the fair value of the property, nor for a longer term than seven years: *Provided*, any fire insurance company authorized to transact business in this State may, by appropriate riders or endorsements or otherwise, provide insurance indemnifying the insured for the difference between the actual value of the insured property at the time any loss or damage occurs, and the amount actually expended to repair, rebuild or replace on the premises described in the policy, or some other location within the State of North Carolina with new materials of like size, kind and quality, such property as has been damaged or destroyed by fire or other perils insured against. Policies issued in violation of this Section are binding upon the company issuing them, but the company is liable for the forfeitures by law prescribed for such violation."

Indemnity contracts for difference in actual value and cost of replacement.

Penalty for violations.

G. S. 58-159, limit of liability on total loss, amended.

SEC. 2. Section 58-159 of said Chapter is hereby amended to read as follows:

"SECTION 58-159. Subject to the provisions of G. S. 58-158, when buildings insured against loss by fire and situated within the State are totally destroyed by fire, the company is not liable beyond the actual cash value of the insured property at the time of the loss or damage; and if it appears that the insured has paid a premium on a sum in excess of the actual value, he shall be reimbursed the proportionate excess of premium paid on the difference between the amount named in the policy and the ascertained values, with interest at six per centum (6%) per annum from the date of issue."

Reimbursement of premiums paid on excess values.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

S. B. 195 **CHAPTER 296**

AN ACT VALIDATING CERTAIN DEEDS EXECUTED IN FOREIGN STATES.

The General Assembly of North Carolina do enact:

Certain deeds executed in other States, where seal omitted, validated.

SECTION 1. That all deeds to lands in North Carolina, executed prior to January 1, 1948, without seal attached to the maker's name, which deeds were acknowledged in another state, the laws of which do not require a seal for the validity of a conveyance of real property located in that state, and which deeds have been duly recorded in this State, shall be as valid to all intents and purposes as if the same had been executed under seal.

Pending litigation unaffected.

SEC. 2. This Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 76 **CHAPTER 297**

AN ACT TO AUTHORIZE THE NORTH CAROLINA HOSPITALS BOARD OF CONTROL TO CONVERT THE "PRISONERS OF WAR" CAMP ON ITS PROPERTY AT CAMP BUTNER INTO A MODERN PRISON CAMP AND AUTHORIZING THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO TRANSFER TO SAID PRISON YOUTHFUL AND FIRST TERM PRISONERS TO BE WORKED ON THE FARM AND IN THE WOODWORK SHOPS AND OTHER ACTIVITIES PROMOTED BY SAID STATE HOSPITALS BOARD OF CONTROL.

Preamble: Segregation of State prisoners required.

WHEREAS, the State Highway and Public Works Commission is required by General Statutes 148-144 and General Statutes 15-210-211-212-213-214 to segregate the races and sexes and youthful prisoners; and

Lack of facilities for segregation.

WHEREAS, the State Highway and Public Works Commission has been unable to fully comply with the provisions of said Sections because of the lack of facilities; and

Rehabilitation of youthful prisoners.

WHEREAS, one of the main purposes of confinement of youthful and first term prisoners is to rehabilitate and return

them at the end of their terms to society prepared to engage in lawful and gainful employment; and

Activities of State Hospital Board of Control in which certain prisoners may be used.

WHEREAS, the State Hospitals Board of Control is now engaged in large farm, woodwork shop and other similar activities, and can profitably use youthful and first term male prisoners in carrying on such activities and in the general upkeep and maintenance of its facilities at Camp Butner; and

Location at Camp Butner of old "Prisoners of War" camp.

WHEREAS, there is located on the board's property at Camp Butner the old "Prisoners of War" Camp which could be easily converted into a proper prison or guardhouse for the detention of such prisoners; and

Proposed agreement for placing prisoners at Camp Butner.

WHEREAS, it is the sense of this General Assembly that an agreement can be worked out for placing such prisoners at Camp Butner under rules and regulations to be promulgated by both the State Hospitals Board of Control and the State Highway Commission which will prove profitable for each of said State agencies: *Now, therefore,*

The General Assembly of North Carolina do enact:

Camp Butner, conversion of "Prisoners of War" Camp into prison camp for youthful offenders.

SECTION 1. That the State Hospitals Board of Control be authorized and empowered to convert the old "Prisoners of War" Camp located on its property at Camp Butner into a modern prison camp or guardhouse with a capacity of one hundred (100) for the purpose of receiving and detaining such youthful and first term prisoners as may be sent it by the State Highway and Public Works Commission under such rules and regulations as may be jointly adopted by the State Highway and Public Works Commission and the North Carolina Hospitals Board of Control.

"Youthful offender" and "first term offender" defined.

SEC. 2. For the purposes of this Act a "youthful offender" and a "first term offender" is a person (1) who, at the time of imposition of sentence, is less than 25 years of age, and (2) who has not previously served a term in any jail or prison.

Employment of prisoners.

SEC. 3. That prisoners received at Camp Butner prison shall be employed in work on the farm, workshops, the upkeep and maintenance of the property located at Camp Butner or in such other similar work as may be determined by the State Hospitals Board of Control and the State Highway and Public Works Commission. The said prisoners to be under the general supervision of the agents and employees of the State Highway and Public Works Commission or of such employees of the State Hospitals Board of Control as may be agreed upon by the two State agencies.

Supervision of prisoners.

Payment of expenses incident to conversion of camp.

SEC. 4. That all expenses incident to the conversion of the old "Prisoners of War" Camp shall be borne by the State Hospitals Board of Control and paid out of the proceeds from the sale of surplus property owned by said board and located at

Camp Butner. Said prison camp or guardhouse to fully meet the requirements of the State Highway and Public Works Commission as to construction, plans and specifications. The cost of the maintenance of prisoners assigned to said prison shall be borne by the State Hospitals Board of Control.

Cost of maintenance of prisoners.

SEC. 5. That as soon as practicable the State Hospitals Board of Control and the State Highway and Public Works Commission shall jointly adopt such rules and regulations as they may deem necessary to fully carry out the intents and purposes of this Act.

Adoption of rules and regulations to carry out purposes of Act.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 116 CHAPTER 298

AN ACT TO FIX THE PUNISHMENT OF PERSONS EIGHTEEN YEARS OF AGE OR OVER COMMITTING ASSAULTS ON PERSONS UNDER TWELVE YEARS OF AGE.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 14-33 is hereby amended by rewriting the same to read as follows:

G. S. 14-33, amended.

"SEC. 14-33. Punishment for Assault. (a) In all cases of an assault, with or without intent to kill or injure, the person convicted shall be punished by fine or imprisonment, or both, at the discretion of the court, subject to the provisions of Subsection (b).

Punishment for assault.

(b) Notwithstanding the provisions of Subsection (a), the punishment in cases of assaults, assaults and batteries, and affrays shall not exceed a fine of fifty dollars ($50.00) or imprisonment for thirty days, when no deadly weapon has been used and no serious damage done except in cases of:

Punishment when no deadly weapon used or serious damage done.

Exceptions.

(1) Assault with intent to kill, or

(2) Assault with intent to commit rape, or

(3) Assault or assault and battery by any man or boy over eighteen years old on any female person, or

(4) The person committing the assault, (excluding and excepting parents, school teachers, guardians or persons in loco

parentis), is eighteen years old or over, and the person on whom the assault is committed is under the age of twelve years.

Evidence of threats against defendant upon plea of self-defense.

(c) In all cases of assault, assault and battery, and affrays, wherein deadly weapons are used and serious injury is inflicted, and the plea of the defendant is self-defense, evidence of former threats against the defendant by the person alleged to have been assaulted by him, if such threats shall have been communicated to the defendant before the altercation, shall be competent as bearing upon the reasonableness of the claim of apprehension by the defendant of death or serious bodily harm, and also as bearing upon the amount of force which reasonably appeared necessary to the defendant, under the circumstances, to repel his assailant."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 150 CHAPTER 299

AN ACT TO PROVIDE FOR SENTENCES TO LIFE IMPRISONMENT UPON A RECOMMENDATION OF MERCY BY THE JURY IN CAPITAL CASES.

The General Assembly of North Carolina do enact:

G. S. 14-17, amended.

SECTION 1. Section 14-17 of the General Statutes of North Carolina is hereby rewritten so as to read as follows:

Murder in the first degree defined; punishment.

"SEC. 14-17. Murder in the first and second degree defined; punishment. A murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery, burglary or other felony, shall be deemed to be murder in the first degree and shall be punished with death: *Provided,* if at the time of rendering its verdict in open court, the jury shall so recommend, the punishment shall be imprisonment for life in the State's prison, and the court shall so instruct the jury. All other kinds of murder shall be deemed murder in the second degree, and shall be punished with imprisonment of not less than two nor more than thirty years in the State's prison."

Imprisonment for life, upon recommendation of jury.

Second degree murder; punishment.

SEC. 2. Section 14-52 of the General Statutes of North Carolina is hereby rewritten so as to read as follows: G. S. 14-52, amended.

"SEC. 14-52. Punishment for burglary. Any person convicted, according to due course of law, of the crime of burglary in the first degree shall suffer death: *Provided,* if the jury when rendering its verdict in open court shall so recommend, the punishment shall be imprisonment for life in the State's prison, and the court shall so instruct the jury. Anyone so convicted of burglary in the second degree shall suffer imprisonment in the State's prison for life, or for a term of years, in the discretion of the court." Punishment for burglary in the first degree. Imprisonment for life, upon recommendation of jury. Punishment for burglary in second degree.

SEC. 3. Section 14-58 of the General Statutes of North Carolina is hereby rewritten so as to read as follows: G. S. 14-58, amended.

"SEC. 14-58. Punishment for arson. Any person convicted according to due course of law of the crime of arson shall suffer death: *Provided,* if the jury shall so recommend, at the time of rendering its verdict in open court, the punishment shall be imprisonment for life in the State's prison, and the court shall so instruct the jury." Punishment for arson. Imprisonment for life, upon recommendation of jury.

SEC. 4. Section 14-21 of the General Statutes of North Carolina is hereby rewritten so as to read as follows: G. S. 14-21, amended.

"SEC. 14-21. Punishment for rape. Every person who is convicted of ravishing and carnally knowing any female of the age of twelve years or more by force and against her will, or who is convicted of unlawfully and carnally knowing and abusing any female child under the age of twelve years, shall suffer death: *Provided,* if the jury shall so recommend at the time of rendering its verdict in open court, the punishment shall be imprisonment for life in the State's prison, and the court shall so instruct the jury." Punishment for rape. Imprisonment for life, upon recommendation of jury.

SEC. 5. This Act shall be in full force and effect from and after its ratification, not excepting trials for offenses committed prior to its ratification. Offenses committed prior to ratification of Act.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 203 **CHAPTER 300**

AN ACT TO REWRITE CHAPTER 48 OF THE GENERAL STATUTES RELATING TO ADOPTIONS OF MINOR CHILDREN AND TO INCORPORATE THEREIN THE PROVISIONS OF H. B. 65 OF THE GENERAL ASSEMBLY OF 1947 AS THE SAME APPEARS AS CHAPTER 885 OF THE NORTH CAROLINA SESSION LAWS OF 1947 WITH CLARIFYING AMENDMENTS THERETO.

Preamble: Intended enactment in 1947 of law relating to adoptions.

WHEREAS, the General Assembly of North Carolina at its 1947 Session considered, approved, ratified and intended to enact into law House Bill No. 65 entitled "An Act to Rewrite Chapter 48 of the General Statutes Relating to Adoptions"; and

Omission of enacting clause.

WHEREAS, the legislative procedure in respect to said Act was proper and complete except for the accidental omission of an enacting clause, as will appear by reference to the journals, minutes and other records of the General Assembly of 1947 and to the records of the Secretary of State; and

Evidence of intent and purpose of Legislature that Act should become law.

WHEREAS, the clear and unmistakable intent and purpose of the Legislature that said Act should become law is evidenced by such records, and more specifically by reference to pages 1212 through 1224 of the North Carolina Session Laws of 1947, where said Act now appears as Chapter 885 of the Session Laws of 1947 in the identical form in which it was considered, approved, passed and ratified on April 4, 1947 by the General Assembly of North Carolina; and

Question of effect of omission submitted to Supreme Court.

WHEREAS, after the passage and ratification of said Act the omission of an enacting clause became apparent, and it was deemed advisable to submit the question of the effect of such omission to the Supreme Court of North Carolina, and

Act declared invalid by reason of omission.

WHEREAS, the Supreme Court in an advisory opinion handed down on the 9th day of June, 1947, in re: House Bill No. 65 designated as Chapter 885 of the Session Laws of 1947, held that such omission of an enacting clause was fatal to the validity of the Act; and

With exception of technical defect, Act ratified in due form.

WHEREAS, with the exception of this technical defect, the 1947 Act in all other respects was passed and ratified in due form, and represents the legislative intent and purpose of the General Assembly of 1947 as expressed in House Bill No. 65, which now appears as Chapter 885 of the North Carolina Session Laws of 1947:

Purpose of Act.

Now, therefore, in order to give full effect to such legislative intent and purpose by incorporating the provisions of House Bill No. 65 and Chapter 885 of the Session Laws of 1947, with clarifying amendments, into the General Statutes of North Carolina,

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 48 of the General Statutes of North Carolina is hereby rewritten, so as to conform, as herein set out, to the provisions of H. B. 65 as approved, passed, and ratified on April 4, 1947 by the General Assembly of North Carolina, session of 1947, so that said Chapter 48 of the General Statutes of North Carolina as hereby rewritten shall read as follows:

G. S. Ch. 48, Adoption Law, rewritten.

"48-1. Legislative intent: construction of chapter. The General Assembly hereby declares as a matter of legislative policy with respect to adoption that—

Legislative intent; construction of chapter.

(1) The primary purpose of this Chapter is to protect children from unnecessary separation from parents who might give them good homes and loving care, to protect them from adoption by persons unfit to have the responsibility of their care and rearing, and to protect them from interference, long after they have become properly adjusted in their adoptive homes, by natural parents who may have some legal claim because of a defect in the adoption procedure.

Primary purpose, protection of children.

(2) The secondary purposes of this Chapter is to protect the natural parents from hurried decisions, made under strain and anxiety, to give up a child, and to protect foster parents from assuming responsibility for a child about whose heredity or mental or physical condition they know nothing, and to prevent later disturbance of their relationship to the child by natural parents whose legal rights have not been fully protected.

Secondary purpose, protection of natural and foster parents.

(3) When the interests of a child and those of an adult are in conflict, such conflict should be resolved in favor of the child; and to that end this Chapter should be liberally construed.

Liberal construction of Act in interest of child.

"48-2. Definitions. In this Chapter, unless the context or subject matter otherwise requires—

Definitions.

(1) 'Adult person' means any person who has attained the age of twenty-one years.

"Adult person."

(2) 'Licensed child-placing agency' means any agency operating under a license to place children for adoption issued by the State Board of Public Welfare, or in the event that such agency is in another state or territory or in the District of Columbia, operating under a license to place children for adoption issued by a governmental authority of such state, territory, or the District of Columbia, empowered by law to issue such licenses.

"Licensed child-placing agency."

(3) For the purpose of this Chapter, an abandoned child shall be any child under the age of eighteen years who has been willfully abandoned at least six consecutive months immediately preceding institution of an action or proceeding to declare the child to be an abandoned child.

"Abandoned child."

"Readoption." (4) 'Readoption' means an adoption by any person of a child who has been previously legally adopted.

Persons eligible for adoption. "48-3. Who may be adopted. Any minor child, irrespective of place of birth or place of residence, may be adopted in accordance with the provisions of this Act.

Persons eligible to adopt children. "48-4. Who may adopt children. (a) Any person over twenty-one years of age may petition in a special proceeding in the Superior Court to adopt a minor child and may also petition for a change of the name of such child. If the petitioner has a husband or wife living, competent to join in the petition, such spouse shall join in the petition.

Spouse of petitioner to join in petition.

Exception. (b) *Provided, however,* that if the spouse of the petitioner is a natural parent of the child to be adopted, such spouse need not join in the petition but need only to give consent as provided in G. S. 48-7. (d).

Residence requirements of petitioner. (c) *Provided further,* that the petitioner or petitioners shall have resided in North Carolina, or on Federal territory within the boundaries of North Carolina, for one year next preceding the filing of the petition.

Parents, etc., not necessary parties to adoption proceedings upon finding of abandonment. "48-5. Parents, etc., not necessary parties to adoption proceedings upon finding of abandonment. (a) In all cases where a court of competent jurisdiction has declared a child to be an abandoned child, the parent, parents, or guardian of the person, declared guilty of such abandonment shall not be necessary parties to any proceeding under this Chapter nor shall their consent be required.

Determination of question of abandonment. (b) In the event that a court of competent jurisdiction has not heretofore declared the child to be an abandoned child, then on written notice of not less than ten days to the parent, parents, or guardian of the person, the court in the adoption proceeding is hereby authorized to determine whether an abandonment has taken place.

Procedure in event abandonment denied. (c) If the parent, parents, or guardian of the person deny that an abandonment has taken place, this issue of fact shall be determined as provided in G. S. 1-273, and if abandonment is determined, then the consent of the parent, parents, or guardian of the person shall not be required. Upon final determination of this issue of fact the proceeding shall be transferred back to the special proceedings docket for further action by the clerk.

Copy of order declaring abandonment filed with petition. (d) A copy of the order of the court declaring a child abandoned must be filed in the proceeding with the petition in which case consent must be given or withheld in accordance with G. S. 48-9, Subsection (2).

When consent of father not necessary. "48-6. When consent of father not necessary. In the case of a child born out of wedlock and when said child has not

been legitimated prior to the time of the signing of the consent, the written consent of the mother alone shall be sufficient under this Chapter and the father need not be made a party to the proceeding.

When consent of parents is necessary.

"48-7. When consent of parents is necessary. (a) Except as provided in G. S. 48-5, and G. S. 48-6, and if they are living and have not released all rights to the child and consented generally to adoption as provided in G. S. 48-9, the parents or surviving parent or guardian of the person of the child must be a party or parties of record to the proceeding and must give written consent to adoption, which must be filed with the petition.

Written consent filed with petition.

Cases in which personal service of process required.

(b) In any case where the parents or surviving parent or guardian of the person of the child whose adoption is sought are necessary parties and their address is known, or can by due and diligent search be ascertained, that fact must be made known to the court by proper allegation in the petition or by affidavit and service of process must be made upon such person as provided by law for service of process on residents of the State or by service of process on non-residents as provided in G. S. 1-104.

Service by pubilcation.

(c) If the address of such person cannot be ascertained for the purpose of service of process or service of process cannot be made as hereinbefore provided, that fact must be made known to the court by proper allegation in the petition or by affidavit to the effect that after due and diligent search such person cannot be found for the purpose of service of process. Service of process upon such person may then be made by publication of summons as provided by G. S. 1-98 et seq., and as provided by law.

Petition for adoption by stepparent.

(d) When a stepparent petitions to adopt a stepchild, consent to the adoption must be given by the spouse of the petitioner, and this adoption shall not affect the relationship of parent and child between such spouse and the child.

Capacity of parents to consent.

"48-8. Capacity of parents to consent. A parent who has not reached the age of twenty-one years shall have legal capacity to give consent to adoption and to release such parent's rights in a child, and shall be as fully bound thereby as if said parent had attained twenty-one years of age.

When consent may be given by persons other than parents.

"48-9. When consent may be given by persons other than parents. (a) In the following instances written consent sufficient for the purposes of adoption filed with the petition shall be sufficient to make the person giving consent a party to the proceeding and no service of any process need be made upon such person.

Consent by county superintendent of public welfare, etc.

(1) When the parent, parents, or guardian of the person of the child, has in writing surrendered the child to a superin-

tendent of public welfare of a county or to a licensed child placing agency and at the same time in writing has consented generally to adoption of the child, the superintendent of public welfare or the executive head of such agency may give consent to the adoption of the child by the petitioners. A county superintendent of public welfare may accept the surrender of a child who was born in the county or whose parent or parents have established residence in the county.

Appointment of next of friend to give legal consent.

(2) If the court finds as a fact that there is no person qualified to give consent, or that the child has been abandoned by one or both parents or by the guardian of the person of the child, the court shall appoint some suitable person or the county superintendent of public welfare of the county in which the child resides to act in the proceeding as next friend of the child to give or withhold such consent. The court may make the appointment immediately upon such determination and forthwith may make such further orders as to the court may seem proper.

Parents consent and surrender filed with petition.

(b) The surrender of the child and consent for the child to be adopted given by the parent or guardian of the person to the superintendent of public welfare or to the licensed child placing agency shall be filed with the petition along with the consent of the superintendent of public welfare or of the executive head of the agency to the adoption prayed for in the petition.

Written consent of agency operating under laws of another State.

(c) Where the child has been surrendered to an agency operating under the laws of another state, and authorized by such state to place children for adoption, the written consent of such agency shall be sufficient for the purposes of this Chapter.

When child's consent necessary.

"48-10. When child's consent necessary. In any proceeding under this Chapter, a child who is twelve years of age or over or who becomes twelve years of age before the granting of the final order must also consent to the proposed adoption.

Consent not revocable.

"48-11. Consent not revocable. No consent described in G. S. 48-6, 48-7, or 48-9, shall be revocable by the consenting party after the entering of an interlocutory decree or a final order of adoption when entering of an interlocutory decree has been waived in accordance with the provisions of G. S. 48-21: *Provided,* no consent shall be revocable after six months from the date of the giving of the consent; *provided further,* that when the consent has been given generally to a superintendent of public welfare or to a duly licensed child placing agency, it shall not be revocable after thirty days from the date of the giving of the consent. When the consent of any person or agency is required under the provisions of this Chapter, the filing of such consent with the petition shall be sufficient to make the consenting person or agency a party of record to the proceeding.

"48-12. Nature of proceeding: venue. Adoption shall be by a special proceeding before the Clerk of the Superior Court. The petition may be filed in the county:

Nature of adoption proceeding.

Venue.

(1) where the petitioners reside; or

(2) where the child resides; or

(3) where the child resided when it became a public charge; or

(4) in which is located any licensed child placing agency or institution operating under the laws of this State and having custody of the child or to which the child shall have been surrendered as provided in G. S. 48-9.

"48-13. Reference to parental status. No reference shall be made in any petition, interlocutory decree, or final order of adoption to the marital status of the natural parents of the child sought to be adopted, to their fitness for the care and custody of such child, nor shall any reference be made therein to any child being born out of wedlock.

Reference in petition to parental status, etc., prohibited.

In the case of a child born out of wedlock and not legitimated prior to the time of the signing of the consent, an affidavit setting forth such facts sufficient to show that only the consent required under G. S. 48-6 is necessary shall be filed with and become a part of the report provided for in G. S. 48-16.

Affidavit in case of child born out of wedlock.

"48-14. Use of original name of child unnecessary: name used in proceedings for adoption. (a) Only in the report required by G. S. 48-16 on the investigation of the conditions and antecedents of the child sought to be adopted shall the original name of the child given by the natural parent or parents be necessary.

Use of original name of child unnecessary.

(b) In the petition, interlocutory decree, and final order of adoption and in all other papers related to the case the name selected by the petitioner or petitioners as the name for the child may be used as the true and legal name and the original name shall not be necessary.

Name used in proceedings.

"48-15. The petition for adoption. (a) The captain of the petition shall be substantially as follows:

Petition for adoption.

Form of caption.

STATE OF NORTH CAROLINA
IN THE SUPERIOR COURT
.....COUNTY
BEFORE THE CLERK

..... (Full name of adopting father) and ..... (Full name of adopting mother) FOR THE ADOPTION OF ..... (Full name of child as used in proceeding)	PETITION FOR ADOPTION

Standard form of petition.

(b) The petition may be prepared on a standard form to be supplied by the State Board of Public Welfare, or may be typewritten, giving all the information hereinafter required.

Required contents of petition.

(c) Such petition must state:

(1) the full names of the petitioners;

(2) the information necessary to show that the court to which the petition is addressed has jurisdiction;

(3) when the petitioners acquired custody of the child, and from what person or agency;

(4) the birth date and state or country of birth of the child, if known;

(5) the name used for the child in the proceeding;

(6) that it is the desire of the petitioners that the relationship of parent and child be established between them and said child;

(7) their desire, if they have such, that the name of the child be changed together with the new named desired;

(8) the desire of the petitioners that the said child shall, upon adoption, inherit real and personal property in accordance with the statutes of descent and distribution;

(9) the value of the personal property and of the real estate owned by the child as far as can be ascertained;

(10) that the petitioners are fit persons to have the care and custody of the child;

(11) that they are financially able to provide for him; and

(12) that there has been full compliance with the law in regard to consent to adoption.

Petition filed in triplicate.

(d) The petition must be signed and verified by the petitioners and must be filed in triplicate. The original of the petition shall be held in the office of the Clerk of the Superior Court, a copy sent to the State Board of Public Welfare, and a copy sent to the superintendent of public welfare or to the licensed child placing agency concerned with the order of reference.

Indexing of names of adopting parents and child.

(e) The names of the adopting parents must be indexed on the plaintiffs' or petitioners' side of the cross index of special proceedings. The child's name as used in the proceeding must be indexed on the defendants' or respondents' side of such index.

Investigation of conditions and antecedents of child and suitability of foster home.

"48-16. Investigation of conditions and antecedents of child and of suitableness of foster home. (a) Upon the filing of a petition for adoption the court shall order the county superintendent of public welfare, or a licensed child placing agency through its authorized representative, to investigate the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, to make appropriate inquiry to determine whether the proposed foster home is a suitable one for the child, and to investigate any other circumstances or conditions which may have a bearing on the adoption and of which the court should have knowledge.

Investigation in one or more counties.

(b) The court may order the superintendent of public welfare of one county to make an investigation of the condition and antecedents of the child and the superintendent of public welfare of another county or counties to make any other part of the necessary investigation.

Report by county superintendent of public welfare.

(c) The county superintendent or superintendents of public welfare or the authorized representative of such agency described hereinbefore must make a written report within sixty days of his or their findings, on a standard form or following an outline supplied by the State Board of Public Welfare, for examination by the court of adoption. Such report shall be filed with the clerk as a part of the official papers in the adoption proceeding but shall not be retained permanently in the office of the clerk. The clerk shall in no wise be responsible for the permanent custody of the report and said report shall not be open to public inspection except upon order of the court as provided in G. S. 48-26.

Report filed with clerk.

Interlocutory decree of adoption.

"48-17. Interlocutory decree of adoption. (a) Upon examination of the written report required in G. S. 48-16, the court may issue in triplicate an interlocutory decree of adoption giving the care and custody of the child to the petitioners. Such interlocutory decree must be issued within six months of the filing of the petition unless a final order is entered as provided in G. S.

Time of issuance.

Form of decree.

48-21 (c). It may be issued on a standard form supplied by the State Board of Public Welfare or may be typewritten, giving all the information hereinafter required.

Contents of interlocutory decree.

(b) The interlocutory decree must state:

(1) that all necessary parties are properly before the court and that the time for answering has expired;

(2) the name of the child used in the petition;

(3) the full names of the petitioners and their county of residence;

(4) the fact and date of filing of the petition;

(5) when the petitioners acquired custody of the child and from what person or agency and that proper consent has been given;

(6) that the petitioners are fit persons to have the care and custody of the child;

(7) that the petitioners are financially able to provide for him;

(8) that the child is a suitable child for adoption; and

(9) that the adoption is for the best interests of the child.

Effect of interlocutory decree.

"48-18. Effect of interlocutory decree. (a) Upon issuance of the interlocutory decree the child shall remain or be placed in the care and custody of the petitioners pending further orders of the court. Such decree shall be provisional only and may be rescinded or modified at any time prior to the final order. Until the final order is made, the child shall be a ward of the court having jurisdiction.

Effect of death of one of spouses jointly petitioning for adoption.

(b) When a husband and wife have petitioned jointly to adopt and an interlocutory decree has been entered, and the death of one spouse occurs before the time for the entering of the final order, the petition of the living petitioner shall not be invalidated by the fact of the death of the other petitioner, and the court may proceed to grant the adoption to the surviving petitioner.

Report on placement after interlocutory decree.

"48-19. Report on placement after interlocutory decree. When the court enters an interlocutory decree of adoption, it must order the county superintendent of public welfare or a licensed child placing agency through its duly authorized representative to supervise the child in its adoptive home and report to the court on the placement on a standard form or following an outline supplied by the State Board of Public Welfare, such report being for examination by the court before entering any final order.

"48-20. Dismissal of proceeding. (a) If at any time between the filing of a petition and the issuance of the final order completing the adoption it is made known to the court that circumstances are such that the child should not be given in adoption to the petitioners, the court may dismiss the proceeding.

Dismissal of proceeding.

(b) The court before entering an order to dismiss the proceeding must give notice of not less than five days of the motion to dismiss to the petitioners, to the county superintendent of public welfare or licensed child placing agency having made the investigation provided for in G. S. 48-16, and to the State Board of Public Welfare, and they shall be entitled to a hearing to admit or refute the facts upon which the impending action of the court is based.

Notice of motion to dismiss.

Hearing on motion.

(c) Upon dismissal of an adoption proceeding, the custody of the child shall revert to the county superintendent of public welfare or licensed child placing agency having custody immediately before the filing of the petition. If the placement of the child was made by its natural parents directly with the adoptive parents, the superintendent of public welfare of the county in which the petition was filed shall be notified by the court of such dismissal and said superintendent of public welfare shall be responsible for taking appropriate action for the protection of the child.

Reversion of custody upon dismissal of proceedings.

"48-21. Final order of adoption; termination of proceeding within three years. (a) If no appeal has been taken from any order of the court, the court must complete or dismiss the proceeding by entering a final order within three years of the filing of the petition. A final order of adoption must not be entered earlier than one year from the date of the interlocutory decree except as hereinafter provided.

Termination of proceedings if no appeal taken.

Final order of adoption.

(b) If an appeal is taken from any order of the court, the proceeding must be completed by the court by entering a final order of adoption or a final order dismissing the proceeding within two years from the final judgment upon the appeal.

Termination of proceedings in case of appeal.

(c) Upon examination of the written report required under G. S. 48-16, the court may, in its discretion, waive the entering of the interlocutory decree and the probationary period and grant a final order of adoption when the child is by blood a grandchild, nephew or niece of one of the petitioners or is the stepchild of the petitioner.

Power of court to waive interlocutory decree and probation period, in certain cases.

(d) Upon examination of the written report required under G. S. 48-16, the court may, in its discretion, shorten the probationary period between the granting of the interlocutory decree and the final order of adoption by the length of time the child has resided in the home of the petitioners prior to the granting of the interlocutory decree; *provided* that the child was placed in the home of the petitioners by a superintendent of public wel-

Power of court to shorten probationary period.

fare or by a licensed child placing agency and such fact has been certified to the court by the superintendent of public welfare or the executive head of the child placing agency, but no final order shall be entered until the child shall have resided in the home of the petitioners for a period of one year.

Contents of final order.

"48-22. Contents of final order. (a) The final order of adoption must be entered in triplicate and may be made on a standard form furinshed by the State Board of Public Welfare or may be typewritten, giving all the information hereinafter required.

(b) The final order of adoption must state:

(1) that all necessary parties are properly before the court and that the time for answering has expired;

(2) the name of the child used in the proceeding;

(3) the full names of the petitioners and their county of residence;

(4) the date when the petitioners acquired custody of the child and from what person or agency and that proper consent has been given;

(5) the fact and date of the filing of the petition;

(6) the fact and date of the interlocutory decree if such a decree has been entered;

(7) that the petitioners are fit persons to have the care and custody of the child;

(8) that the petitioners are financially able to provide for him;

(9) that the child is a suitable child for adoption; and

(10) that the adoption is for the best interests of the child.

Change of name.

(c) The order shall thereupon decree the adoption of the child by the petitioners and may order that the name of the child be changed to that requested in the petition.

Effect of final order.

"48-23. Effect of final order. The final order forthwith shall establish the relationship of parent and child between the petitioners and the child, and, from the date of the signing of the final order of adoption, the child shall be entitled to inherit real and personal property from the adoptive parents in accordance with the statutes of descent and distribution.

Recordation of adoption proceedings.

"48-24. Recordation of adoption proceedings. (a) Only the final order of adoption or the final order dismissing the proceeding, and no other papers relating to the proceeding, shall be recorded in the office of the Clerk of the Superior Court in the county in which the adoption takes place.

Copies of certain papers to State Board of Public Welfare.

(b) A copy of the petition, the consent, the report on the condition and antecedents of the child and the suitability of the foster home, a copy of the interlocutory decree, the report on the placement, and a copy of the final order must be sent by the Clerk of the Superior Court to the State Board of Public Welfare in the following order:

Copy of petition and consent.

(1) Within ten days after the petition is filed with the Clerk of Superior Court, a copy of the petition giving the date of the filing of the original petition, and the consent must be filed by the clerk with the State Board of Public Welfare.

Copy of interlocutory decree.

Report on condition and antecedents of child and suitability of foster home.

(2) Within ten days after an interlocutory decree is entered, a copy of the interlocutory decree giving the date of the issuance of the decree and the report to the court on the condition and antecedents of the child and the suitability of the foster home must be filed by the clerk with the State Board of Public Welfare. When the interlocutory decree is waived, as provided in G. S. 48-21 the said report and the recommendation to waive the interlocutory decree shall be so filed by the clerk.

Copy of final order, etc.

(3) Within ten days after the final order of adoption is made the clerk must file with the State Board of Public Welfare the report on the supervision of the placement during the interlocutory period, and a copy of the final order.

Indexing and filing of papers and reports.

(c) The said board must cause all papers and reports related to the proceeding to be permanently indexed and filed.

Records not open for public inspection.

"48-25. Record not to be made public: violation a misdemeanor. (a) Neither the original file of the proceeding in the office of the clerk nor the recording of the proceeding by the State Board of Public Welfare shall be open for general public inspection.

Disclosure of contents of certain papers made misdemeanor.

(b) With the exception of the information contained in the petition, the interlocutory decree, and the final order, it shall be a misdemeanor for any person having charge of the file or of the record to disclose, except as provided in G. S. 48-26, any information concerning the contents of any other papers in the proceeding.

Procedure for opening record for necessary information.

"48-26. Procedure for opening record for necessary information. (a) Any necessary information in the files or the record of an adoption proceeding may be disclosed, to the party requiring it, upon a written motion in the cause before the clerk of original jurisdiction who may issue an order to open the record. Such order must be reviewed by a Judge of the Superior Court and if, in the opinion of said judge, it be to the best interest of the child or of the public to have such information disclosed, he may approve the order to open the record.

(b) The original order to open the record must be filed with the proceeding in the office of the Clerk of Superior Court. If

the clerk shall refuse to issue such order, the party requesting such order may appeal to the judge who may order that the record be opened, if, in his opinion, it be to the best interest of the child or of the public.

Procedure for appeal from ruling of clerk.

"48-27. Procedure when appeal is taken. (a) In the event of an appeal from ruling of the clerk in an adoption proceeding, the clerk must impound all papers and reports not open to the public pending final determination of the appeal. Within ten days after final determination of the appeal, the clerk must forward all papers and reports as specified in G. S. 48-24.

Certified copies of certain documents prohibited.

(b) The clerk must not at any time furnish to anyone copies or certified copies of any documents in the proceeding other than the petition, the interlocutory decree, and the final order.

Questioning validity of adoption proceeding.

"48-28. Questioning validity of adoption proceeding. (a) After the final order of adoption is signed, no party to an adoption proceeding nor anyone claiming under such a party may later question the validity of the adoption proceeding by reason of any defect or irregularity therein, jurisdictional or otherwise, but shall be fully bound thereby, save for such appeal as may be allowed by law. No adoption may be questioned by reason of any procedural or other defect by any one not injured by such defect, nor may any adoption proceeding be attacked either directly or collaterally by any person other than a natural parent or guardian of the person of the child. The failure on the part of the Clerk of the Superior Court, the county superintendent of public welfare, or the executive head of a licensed child placing agency to perform any of the duties or acts within the time required by the provisions of this Act shall not affect the validity of any adoption proceeding.

Effect of final order of adoption.

(b) The final order of adoption shall have the force and effect of, and shall be entitled to, all the presumptions attached to a judgment rendered by a court of general jurisdiction.

Change of name of child.

"48-29. Change of name; report to State Registrar; new birth certificate to be made. (a) For the proper cause shown the court may decree that the name of the child shall be changed to such name as may be prayed in the petition. When the name of any child is so changed, the court shall forthwith report such change to the Bureau of Vital Statistics of the State Board of Health. Upon receipt of the report, the State Registrar of the Bureau of Vital Statistics shall prepare a new birth certificate for the child named in the report which shall contain the following information: full adoptive name of child, sex, race, date of birth, full name of adoptive father, full maiden name of adoptive mother, and such other pertinent information not inconsistent herewith as may be determined by the State Registrar. The city and county of residence of the adoptive parents shall be shown as the place of birth, and the names of the attending physician and the local registrar shall be omitted. No reference

Report of change to Bureau of Vital Statistics.

Issuance of new birth certificate.

Contents.

shall be made on the new certificate to the adoption of the child, nor shall the adopting parents be referred to as foster parents.

Original birth certificate and records sealed by State Registrar.

(b) The State Registrar shall place the original certificate of birth and all papers in his hand pertaining to the adoption under seal which shall not be broken except in the manner provided in G. S. 48-26 for the opening of the record of adoption. Thereafter when a certified copy of the certificate of birth of such person is issued it shall be in the form of a birth registration card containing only the full name, birth date, state of birth, race, sex, date of filing, and birth certificate number, except when an order of a court shall direct the issuance of a copy of the original certificate of birth in the manner hereinbefore provided.

Birth registration card.

New birth certificate filed in county where adoption proceedings instituted.

(c) The State Registrar shall send a copy of the new birth certificate to the register of deeds of the county where the adoption proceedings were instituted. Upon receipt of the said certificate the register of deeds shall cause it to be filed and indexed in the same manner as provided by law in the case of original birth certificates. Whenever a record of the original birth certificate of the adopted child is also on file in the same county the register of deeds of said county is authorized, empowered, and directed, upon filing the new certificate, to remove and destroy such record of the said original certificate.

Destruction of record of original certificate.

Guardian appointed when custody granted of child with estate.

"48-30. Guardian appointed when custody granted of child with estate. When the court grants the petitioners custody of a child, if the child is an orphan and without guardian and possesses any estate to be administered, the court must appoint a guardian as provided by law.

Rights of adoptive parents.

"48-31. Rights of adoptive parents. When a child is adopted pursuant to the provisions of this Chapter, the adoptive parents shall not thereafter be deprived of any rights in the child, at the instance of the natural parents or otherwise, except in the same manner and for the same causes as are applicable in proceedings to deprive natural parents of the children.

Readoption of child previously adopted.

"48-32. Readoption of child previously adopted. Any minor child may be readopted in accordance with the provisions of this Chapter. All provisions relating to the natural parent or parents shall apply to the adoptive parent or parents, except that in no case of readoption shall a natural parent be made a party to the proceedings nor shall the consent of a natural parent be necessary. For the purposes of service of process, necessary parties, and consent, the adoptive parent shall be substituted for the natural parent.

Procuring custody of child by forfeiting parents declared crime.

"48-33. Procuring custody of child by forfeiting parents declared crime. Any parent whose rights and privileges have been forfeited as provided by G. S. 48-5 and who shall, otherwise than

by legal process, procure the possession and custody of such child with respect to whom his rights and privileges have been forfeited shall be guilty of a crime, and shall be punished as for abduction.

Previous adoption proceedings validated.

"48-34. Past adoption proceedings validated. All proceedings for the adoption of minors in courts of this State are hereby validated and confirmed and the orders and judgments heretofore entered therein are declared to be binding upon all parties to said proceedings and their privies and all other persons, until such orders or judgments shall be vacated as provided by law; *provided* that this section shall not apply to litigation pending on the effective date of this Act in which the validity of a prior adoption proceeding is involved.

Pending adoption proceedings.

"48-35. Prior proceedings not affected. Adoption proceedings pending on date of ratification shall not be affected, except that the provisions of G. S. 48-34 shall apply thereto, and such proceedings shall be completed in accordance with provisions of the statutes in effect at the time such proceedings were instituted; *provided* that the petitioners in proceedings pending on date of ratification may discontinue such proceedings by taking voluntary nonsuits and, upon paying the costs accrued in such discontinued proceedings, may institute new proceedings under the provisions of this Act, in which cases all of the provisions of this Act shall apply."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 250 CHAPTER 301

AN ACT TO AMEND ARTICLE 20 OF CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA AUTHORIZING COUNTIES AND CITIES TO ACQUIRE AND USE AUTOMATIC VOTING MACHINES IN PRIMARIES AND ELECTIONS.

The General Assembly of North Carolina do enact:

G. S. Ch. 163, amended.

G. S. 163-187.1, enacted.

SECTION 1. That a new Section be added to Article 20 of Chapter 163 of the General Statutes of North Carolina to be numbered Section 163-187.1, as follows:

Acquisition and use of automatic voting machines in primaries and elections.

SEC. 163-187.1. Automatic Voting Machines. Any county or city of the State may, at the expense of such county or city, adopt and purchase, upon an installment basis or otherwise, or lease, with or without option to purchase, voting machines for

use at all primaries and elections held within such county or city, or within any one or more precincts thereof, in such manner and upon such terms as are deemed to be in the best interest of such county or city. The use of any voting machines approved by the State Board of Elections in any primary or election held in any county or city shall be as valid as the use of paper ballots by the voters.

Approval of State Board of Elections.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 291 CHAPTER 302

AN ACT TO AID IN THE DEVELOPMENT OF THE TOWN OF CAROLINA BEACH AND TO PROVIDE FOR A REFERENDUM TO DETERMINE WHETHER OR NOT A TAX SHALL BE LEVIED TO PROVIDE FUNDS FOR ADVERTISING SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. The Governing Body of the Town of Carolina Beach may, subject to the limitations hereinafter set forth, annually levy an additional sum not in excess of eight cents (8c) on each one hundred dollars ($100.00) valuation of all real and personal property taxable in said town, which said funds shall be used and expended under the direction and control of said governing body under such rules and regulations as said governing body shall prescribe, for the purpose of aiding in the development of said town by means of advertising and for such other purposes as will in the discretion of the governing body increase the population, taxable property, and industrial and business development of said town.

Town of Carolina Beach, tax levy for advertisement and development of town.

SEC. 2. The Governing Body of the Town of Carolina Beach shall not levy any tax or appropriate or expend any money pursuant to the provisions of this Act unless and until the same has been approved by a majority of the qualified voters of the Town of Carolina Beach voting in an election thereon.

Tax levy and appropriations subject to election.

SEC. 3. Said governing body shall submit such question to the voters of the town at a regular general municipal election, in accordance with the provisions of G. S. 160-387 and the other provisions of the Municipal Finance Act to the extent that the same are applicable thereto, in the same manner as is provided for a municipal bond election.

Issue submitted under provisions of Municipal Finance Act.

Limitation of actions contesting validity of election.

SEC. 4. No right of action or defense founded upon the invalidity of the election may be questioned in any court upon any ground whatever, except in an action or proceeding commenced within sixty days from the publication of the statement showing the result of the election.

Partial invalidity provision.

SEC. 5. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 339 CHAPTER 303

AN ACT TO DECLARE THE PURPOSE AND USE OF A DETAINER.

The General Assembly of North Carolina do enact:

Criminal procedure. Detainer; purpose; manner of use.

SECTION 1. Detainer; Purpose; Manner of use. Any person confined in the State Prison of North Carolina, subject to the authority and control of the State Highway and Public Works Commission, or any person confined in any other prison of North Carolina, may be held to account for any other charge pending against him only upon a written order from the court in which the charge originated upon a case regularly docketed, directing that such person be held to answer the charge pending in such court; and in no event shall the prison authorities hold any person to answer any charge upon a warrant or notice when the charge has not been regularly docketed in the court in which the warrant or charge has been issued: *Provided*, that this Act shall not apply to any State agency exercising supervision over such person or prisoner by virtue of a judgment, order of court or statutory authority.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 371 **CHAPTER 304**

AN ACT TO AMEND SECTION 3 OF CHAPTER 264 OF THE PRIVATE LAWS OF 1913, RELATING TO THE RATE OF TAXATION IN THE TOWN OF CALYPSO.

The General Assembly of North Carolina do enact:

SECTION 1. Section 3 of Chapter 264 of the Private Laws of 1913 is hereby amended by striking out the words "fifteen cents" which appear in line 11 between the words "exceeding" and "on", and inserting in lieu thereof the words and figures "one dollar ($1.00)", and by striking out the words "forty-five cents" which appear in line 12 between the words "and" and "on", and inserting in lieu thereof the words and figures "one dollar ($1.00)".

Ch. 264, Private Laws, 1913, relating to rate of taxation, Town of Calypso, amended.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 441 **CHAPTER 305**

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM TO LIMIT THE SALARY OF THE MAYOR TO A SUM NOT TO EXCEED $1,000 PER ANNUM AND TO PROVIDE COMPENSATION FOR THE MEMBERS OF THE BOARD OF ALDERMEN AT THE RATE OF $5 PER MEETING NOT TO EXCEED TWO MEETINGS PER MONTH.

The General Assembly of North Carolina do enact:

SECTION 1. The second paragraph of Section 2 of Chapter 108 of the Private Laws of North Carolina for the year 1931 is hereby amended by striking from the third line of said second paragraph the words "two thousand dollars" and inserting in lieu thereof the words "one thousand dollars."

Ch. 108, Private Laws, 1931, amended as to compensation of Mayor, City of Winston-Salem.

SEC. 2. That Section 13 of Article III of Chapter 232 of the Private Laws of North Carolina for the year 1927, said Article being entitled "Board of Aldermen", is hereby amended by adding at the end thereof a new sentence reading as follows: "Members of the board shall be paid compensation for their services at the rate of five dollars for each regular or special meeting of the board, not to exceed two such meetings in any one month."

Ch. 232, Private Laws, 1927, amended as to compensation of members of board of aldermen.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall take effect July 1, 1949, and thereafter the salary of the Mayor of the City of Winston-Salem and the compensation paid to the members of the Board of Aldermen of the City of Winston-Salem shall be paid in accordance herewith.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 457 CHAPTER 306

AN ACT TO AMEND GENERAL STATUTES 130-101 RELATING TO THE PAY OF LOCAL REGISTRARS OF VITAL STATISTICS.

The General Assembly of North Carolina do enact:

G. S. 130-101, pay of local registrars of vital statistics, amended.

SECTION 1. General Statutes 130-101 is hereby amended by striking out the words "for registration work outside of incorporated municipalities, and by the town or city treasurer for registration work in incorporated municipalities", which appear in lines 14, 15, 16 and 17 of said Section, by placing a period after the word "treasurers" in line 14 of said Section, and by striking out the words "and incorporated municipalities" in lines 19 and 20 of said Section.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 464 **CHAPTER 307**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CAMDEN COUNTY TO CALL AN ELECTION ON THE QUESTION OF THE ISSUANCE OF THIRTY THOUSAND DOLLARS ($30,000.00) IN BONDS FOR THE CONSTRUCTION OF A COUNTY ADMINISTRATIVE BUILDING.

The General Assembly of North Carolina do enact:

Camden County, special election on question of bond issue for construction of county administrative building.

SECTION 1. The Board of County Commissioners of Camden County is hereby authorized, in its discretion, to order and call a special election in Camden County for the purpose of submitting to the qualified voters of Camden County the question of issuing bonds or notes, or both, in the sum of thirty thousand dollars ($30,000.00), and levying a sufficient tax for the payment thereof, for the purpose of constructing a county office or administrative building upon the Courthouse Square at the County Seat of Camden County. Such election may be held at any time designated by the board of county commissioners, subject to the time limitation imposed by State law in respect to elections. The board of county commissioners shall designate the polling places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. In all other respects except as otherwise provided in this Act, such election shall be conducted in accordance with the provisions of State law applicable to the holding and conduct of special bond elections.

Conduct of election.

New registration.

Notice of registration.

Challenge day.

SEC. 2. A new registration of the qualified voters of Camden County shall be ordered by the board of county commissioners and notice of such new registration shall be deemed to be sufficiently given by publication once a week for four weeks in some newspaper of general circulation in Camden County at least thirty days before the close of the registration books. The books of such new registration shall close on the second Saturday preceding the election. The Saturday next preceding the election shall be challenge day.

Issue submitted.

Ballots.

SEC. 3. The form of the question as stated on the ballots shall be substantially as follows: "For the issuance of thirty thousand dollars county building bonds and/or notes and the levying of a sufficient tax for the payment thereof", and "Against the issuance of thirty thousand dollars county building bonds and/or notes and the levying of a sufficient tax for the payment thereof". Such affirmative and negative form may be printed on separate ballots or both may be printed on one ballot containing squares opposite the affirmative and negative forms, in one of which squares the voters may make a cross (X) mark.

Returns.

SEC. 4. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of County Commissioners of Camden County, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the Board of County Commissioners of Camden County as aforesaid and the other filed with the Clerk of the Superior Court of Camden County. The Board of County Commissioners of Camden County shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district or unit.

Declaration of results.

Bond issue in event of majority vote therefor.

SEC. 5. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the Board of Commissioners of Camden County may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of County Commissioners of Camden County may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time.

Provisions for issuance of bonds.

Special tax levy authorized.

SEC. 6. The Board of County Commissioners of Camden County is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the county, sufficient to pay the principal and interest of the bond and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such county. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

Collection and application of taxes.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 486 **CHAPTER 308**

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF DUPLIN COUNTY TO ENTER INTO CONSTRUCTION CONTRACTS WITHOUT COMPLYING WITH THE PROVISIONS OF G. S. 143, ARTICLE 8.

The General Assembly of North Carolina do enact:

Duplin County, construction contracts by Board of Education excepted from G. S. 143, Article 8.

SECTION 1. The Board of Education of Duplin County is hereby authorized and empowered, in its discretion, to enter into any construction contract, which it is now permitted by law to do, without advertising for the contract or without complying with any of the provisions of G. S. 143, Article 8. *Provided, however,* any such construction contract entered into by the Board of Education of Duplin County shall be with a licensed contractor, and shall not exceed one hundred thousand dollars ($100,000.00).

Application of Act.

SEC. 2. This Act shall only apply to the construction of or awarding contracts for the construction of an auditorium stadium to be built in Duplin County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 491 **CHAPTER 309**

AN ACT TO AMEND THE CHARTER AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

Ch. 31, Private Laws, 1871, amended to extend corporate limits, Town of Waynesville.

SECTION 1. That the Charter of the Town of Waynesville, as incorporated under Chapter 31 of the Private Laws of 1871 and Acts Amendatory thereof, is hereby amended by extending and enlarging the boundaries so that the boundaries hereafter shall be as follows:

Description of boundaries.

Beginning at a stake on the northwest margin of the pavement on East Street at the line of the old city limits of the Town of Waynesville, being at or near the top of the hill on East Street, and runs with the westerly margin of said pavement the following calls: N. 39° 30′ E. 272 feet; N. 37° 30′ E. 200 feet; N. 24° E. 152 feet; N. 44° 45′ E. 100 feet; N. 72° E. 258 feet to a point opposite the forks of the street; thence continuing with said

Town of Waynesville, corporate limits (cont'd).

margin of said street along the southwesterly side as follows: N. 24° 15′ E. 200 feet; N. 16° 45′ E. 352 feet; N. 20° 50′ E. 266 feet; N. 1° 30′ E. 200 feet; N. 0° 40′ E. 182 feet to the edge of the pavement of U. S. Highway 19-23; thence with the edge of said pavement in an easterly direction to the center line of said intersection of East Street; thence crossing the Highway 21, 14° 35′ E. 1271 feet to a Spanish oak on top of a ridge; thence S. 72° 10′ W. 600 feet to a fence stake on the North bank of the road; thence S. 81° W. 660 feet to a large chestnut West of the top of the ridge West of Bob Leatherwood residence; thence N. 85° 50′ W. 498 feet to a small black oak on ridge; thence N. 29° 10′ W. 184 feet to stake; thence N. 41° W. 125 feet to white oak; thence S. 75° 35′ W. 118 feet to a Spanish oak near R. H. Gibson's dwelling; thence N. 70° 15′ W. 62 feet to stake near M. O. Galloway's fence corner; thence N. 83° 40′ W. 624 feet to a sycamore; thence N. 75° 30′ W. 132 feet to a stake in the center of Richland Creek; thence up the center of the creek to a point opposite the mouth of a small branch near the northeast corner of a wood lot being used by The Champion Paper and Fibre Company; thence running up said small branch passing the former site of Kassawayne Lumber Company sawmill and continuing up said branch to a point at the center of the driveway leading to the Richard Barber residence; thence in a northwesterly direction to a stake in the southwesterly margin of Dellwood Road at the intersection of the paved road with the northerly side of the old Dellwood Road, and runs thence with the southwesterly margin of said paved road in a northerly direction 400 feet to a stake; thence S. 20° West so as to include the Mrs. Ben Sutton residence to a stake on the southwesterly side of the old Dellwood Road; thence in a southerly direction to a stake on top of the ridge at the northmost corner of Lot 22 in Block "D" of Waynesville Heights Subdivision as shown on map of said subdivision recorded in Map Book "D" Index "W" page 35, Haywood County Registry; thence S. 20° W. about 1050 feet to a stake in the southwesterly margin of Love Avenue or Dolan Road; thence S. 20° W. to the top of the ridge in the line of Chestnut Park property; thence continuing in a southwesterly direction to a point in the Shingle Cove where the Chestnut Park Driveway crosses the branch near the residence of Thomas Caldwell; thence in a southerly direction to the upper corner of James Gaddis property; thence in a southwesterly direction with the said Gaddis upper line so as to include his residence, to a point in the Reinertson Road near the present Town of Waynesville corporate line; thence to said Town of Waynesville line where it crosses said road; thence with the former corporate line of the Town of Waynesville to a stake in said line at a point 100 feet southwest from Haywood White Sulphur Springs Hotel; thence in a southwesterly direction to a 30-inch forked maple near said Sulphur Springs Hotel site; thence S. 63° 45′ W. 207 feet to a stake six feet North of an 18-inch locust, said stake being in the old Eagles Nest

Town of Waynesville, corporate limits (cont'd).

Road; thence along said old roadway S. 41° W. 667 feet to a stake at the intersection of a new street in the Mrs. Atkins subdivision; thence with the North margin of said street S. 47° E. 200 feet to a stake; thence S. 32° W. about 800 feet to a stake in the North margin of Eagles Nest Road; thence with said margin of said road in an easterly direction to Richland Creek; thence down the center of the creek to the former Town of Waynesville corporate line; thence with the corporate line between Waynesville and Hazelwood in an easterly direction to a stake in the Waynesville corporate line on the easterly side of U. S. Highway 19-23; thence with said margin of said highway in a southerly direction to a small branch at the Belle Meade entrance, said branch being the Hazelwood corporate line; thence with said line up said branch to the public road; thence with the Hazelwood corporate line in a westerly direction to the easterly margin of the highway; thence with the highway in a southerly direction along the easterly margin to a point in the center of Browning Branch; thence up said Browning Branch to a stake at the corner of the Waynesville Country Club golf course; thence running with said golf course northerly boundary line along the Belle Meade Subdivision in an easterly direction a distance of about 600 feet to a stake in line with the East margin of Park Avenue of Belle Meade Subdivision; thence to and with the line of said Park Avenue North 56° 50′ W. about a hundred feet to a stake at the southwest corner of Lot No. 20 in Block D of Belle Meade Subdivision as shown on a map of said subdivision as recorded in Map Book B, Index B, page 15, in the office of Register of Deeds of Haywood County; thence N. 60° 28′ E. about 450 feet to a stake in the West margin of Balsam Street as shown on said map, being a corner of Lots 1 and 2 in Block D of said Belle Meade Subdivision; thence with said margin of Balsam Street in a southerly direction about 200 feet and thence continuing the same course to the southwest corner of the annex building of Waynesville Country Club; thence running due East (so as to include the Waynesville Country Club building and the annex building) about 450 feet to a stake at a branch; thence with said branch in a northerly direction to the road; thence running a line due East to a point in the easterly margin of the road shown as a street at the edge of Block F of said Belle Meade Subdivision; thence running with the easterly and then northerly margin of said road along the edge of Block F and Block J of said subdivision to a point in line with the westerly margin of Fairview Drive of said subdivision opposite the northeasterly corner of the golf course; thence with said margin of Fairview Drive S. 9° 43′ E. about 700 feet; thence continuing with said Belle Meade Subdivision of Block L thereof in a southwesterly direction to a planted stone, corner of the Farmer and Belle Meade property; thence due West to a stake at the East bank of the Farmer (or Cat Cliff) Road; thence with said margin of said road in a southerly direction to

Town of Waynesville, corporate limits (cont'd).

a point in line with the southwesterly margin of a lane laid out and established by J. M. Long; thence running with said lane in a southwesterly direction to the southwest corner of Lot 4 of a map of a subdivision of G. C. Farmer, recorded in Map Book F, page 2-A, Haywood County Registry; thence N. 81° 10′ E. 41 feet; thence N. 3° 25′ E. 140 feet; thence N. 79° 25′ E. with the margin of a road of the G. C. Farmer Subdivision 710 feet (as shown on a map of the subdivision of the G. C. Farmer property, Map Book E, Index F, page 2; thence N. 3° 15′ E. with the East side of the roadway 260 feet to a stake at the edge of the Farmer Branch Road (known as the Cat Cliff Road); thence with the southerly boundary of said road in a westerly direction to a point opposite a roadway in the easterly boundary line of another subdivision of the said G. C. Farmer as shown on a map recorded in Map Book E, Index F, page 1, office of Register of Deeds of Haywood County; thence with the easterly boundary line of said subdivision as shown on said map three calls as follows: N. 34° E. 244 feet; N. 42° 45′ E. 455 feet; N. 48° W. 211 feet to a stake in the southerly boundary line of the Belle Meade Subdivision; thence with said boundary line in an easterly direction to a stake at the southeast corner of said subdivision as shown on a map of the Belle Meade Subdivision recorded in office of Register of Deeds of Haywood County; thence with the easterly boundary line of said subdivision in a northerly direction to a stake at the northeast corner; thence due North to a stake in the westerly margin of the public road known as the Ninevah Road; thence running with the left-hand or lower side of said Ninevah Road in a northeasterly direction to and along said road as it runs with the property known as the Williams Place as shown on the Map of the Morningside Subdivision as said road runs in an easterly direction, to the Howell McCracken Road; thence continuing with the left or lower side of Ninevah Road in a westerly and in a northerly direction to a stake in the center of Shelton Branch at the upper end of a bridge near the Fitzgerald property and at the foot of the hill below the property known as the C. P. Patton residence property; thence in an easterly direction to a stake in the North margin of the highway (Pigeon Road) at a point near the top of the hill and at or with the line between the Herren and Thomas property; thence running with the W. A. Herren old line along the West side of the W. A. Herren lands, to and with the subdivision of the J. R. Thomas property to the State Test Farm property, and running with said State Test Farm in a northerly direction so as to include the Town of Waynesville reservoir, to a point in the South margin of the road leading from East Street through the State Test Farm; thence with that road to the Town of Waynesville present line near East Street; and thence with said corporate line to the beginning in said present corporate line on the West side of the street known as East Street.

SEC. 2. That said Charter of Town of Waynesville is further amended by fixing the salaries to be paid to the members of the board of aldermen, until May 1951 at forty dollars ($40.00) per month for each member of the board, and that the mayor's salary shall be eighty dollars ($80.00) per month until May 1951, and that after May 1951, the salaries of said mayor and board of aldermen shall be as fixed by said mayor and board of aldermen, which shall not exceed the sum of sixty dollars ($60.00) per month for the mayor, and shall not exceed thirty ($30.00) per month for each member of the board of aldermen. Compensation of mayor and aldermen.

SEC. 3. That from and after the calendar year of 1949, all property and polls within the boundary of the corporate limits as hereinbefore set forth, shall be subject to tax, as provided by law, to be levied and established and collected by the Governing Body of the Town of Waynesville. Property and polls subject to taxation.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 496 CHAPTER 310

AN ACT TO AMEND CHAPTER 68 OF THE PRIVATE LAWS OF 1913, BEING THE CHARTER OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 68 of the Private Laws of 1913, and amendment thereto, be amended as follows: Ch. 68, Private Laws, 1913, amended.

(a) That Section 1 of Article II be amended by striking out the last sentence and inserting in lieu thereof the following: "Every special election shall be held on a day fixed by the city council." City of Hickory, special elections.

(b) That Section 5 of Article II be amended by deleting the first sentence, and inserting in lieu thereof the following: "At every primary election, general municipal election, and any special municipal election the polls shall be opened at six-thirty o'clock A. M. and closed at six-thirty o'clock P. M., Eastern Standard Time, and, except as otherwise provided in this charter, every such election shall be called by the same officers and held in the same manner as a general municipal election." Time for opening and closing polls.

(c) That Subsection B of Section 7 of Article II be amended by striking out the words "twenty-five" appearing immediately Petitions for nomination.

following the words "less than" and immediately preceding the words "individual certificates" and inserting in lieu thereof the following words: "ten and not more than twenty-five."

Forms provided after official call for election.

(d) That Subsection C of Section 7 of Article II be amended by inserting after the word "application" in line 2 and before the words "a reasonable" the following words: "after the official call of an election."

Required number of signers to petition.

(e) That Subsection E of Section 7 of Article II be amended by inserting in the first line thereof immediately following the words "less than" and before the words "twenty-five" the following words: "ten and not more than."

Meeting time for City Council.

(f) That Section 16 of Article II be amended by striking out the words "during the same hours" appearing in next to the last line thereof.

Number of regular council meetings.

(g) That Section 6 of Article IV be amended by striking out the portion preceding the semicolon in line 3 and inserting in lieu thereof the following: "The city council shall hold two regular meetings each month at some stated day and hour to be fixed by ordinance of the city council from time to time, and publicly announced by it."

(h) That Section 10 of Article IV be amended by striking out the first sentence thereof.

Time of action on matters presented.

(i) That Section 11 of Article IV be amended by striking out the last words, to-wit: "within fifteen days," and inserting in lieu thereof the following words: "within sixty days."

Additional powers of eminent domain.

(j) That Subsection K of Section 13 of Article IV be amended by adding after the period at the end thereof the following: "The City of Hickory, acting through its city council, shall also have full power and authority to purchase or acquire by condemnation any land, including the dwelling house, yard, kitchen, garden, or burial ground of any person, provided the procedure in such condemnation proceedings shall conform as nearly as possible to the procedure provided in Article I and Article II of Chapter 40 of the General Statutes of North Carolina and all Acts amendatory thereof, except that the restrictions contained in Section 40-10 of the General Statutes of North Carolina shall not be applicable to the City of Hickory.

(k) That Section 17 of Article VIII be deleted.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 508 **CHAPTER 311**

AN ACT TO PROVIDE A UNIFORM BILL OF COSTS FOR JUSTICES OF THE PEACE IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Fees in courts of the Justices of the Peace of Durham County shall be as follows: Durham County, fees of Justices of the Peace.

Civil Actions:

Summons	Each	$ .50
Additional Defendants	Each	.50
Affidavit	Each	.35
Affidavit for Removal	Each	.35
Order of Removal	Each	.25
Subpoenas	Each	.15
Entering Judgment	Each	1.50
Return to Appeal	Each	.50
Transcript of Judgment	Each	.25
Execution on Judgment	Each	.50
Continuance	Each	.50

Attachment Proceedings:

Issuing papers and trial		2.50
Return Notice of Appeal		.50
Additional Defendants	Each	.50
Subpoenas	Each	.15
Replevin Bond		.60
Sureties		.50
Continuance	Each	.50

Claim and Delivery Proceedings:

Issuing papers and trial		2.50
Return Notice of Appeal		.50
Additional Defendants	Each	.50
Subpoenas	Each	.15
Replevin Bond		.60
Sureties		.50
Continuance	Each	.50
Execution	Each	.50

Ejectment Proceedings:

Issuing papers and trial		2.50
Additional Defendants	Each	.50
Return Notice of Appeal		.50
Subpoenas	Each	.15
Bond on Appeal		.60
Sureties		.50
Continuance	Each	.50
Execution	Each	.50

Criminal Action:

Affidavit	Each	$ .50
Warrant (each defendant)		.50
Subpoenas	Each	.15
Commitment	Each	.30
Recognizance	Each	.35
Judgment	Each	1.50
Bond	Each	.60
Justification of Sureties		.50
Affidavit for Removal		.50
Order of Removal		.50
Capias and Order		1.00
Continuance		.50
Seal		.50

Allotting Widow's Years Support:

Fee for Justice of the Peace	Each	3.00
Allowance per mile for each mile covered		.10
Commissioner's fee	Each	1.00
Allowance per mile for each mile covered		.10

Notices:

Of Third Party in Attachment	Each	1.00
Of Tax Garnishee	Each	1.00
Of Possession of Premises	Each	1.00

SEC. 2. Items of cost not covered by the provisions of Section 1 of this Act shall remain the same as now provided by law for courts of justices of the peace in Durham County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 517 CHAPTER 312

AN ACT TO GRANT DEPUTY SHERIFFS OF ALEXANDER COUNTY CERTAIN TRAVEL EXPENSES AND ALLOWANCES IN LIEU OF COMPENSATION.

The General Assembly of North Carolina do enact:

Ch. 745, Session Laws, 1947, amended.

SECTION 1. Amend Chapter 745 of the Session Laws of 1947 by striking out the last sentence in Section 2 of said Act and by inserting in lieu thereof the following:

"For three additional deputies.....$50.00 a month for travel expense and allowance in addition to the fees he is now entitled to collect and retain for their own use and benefit for each deputy." Alexander County, travel allowance for deputies sheriff.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 519 CHAPTER 313

AN ACT RELATING TO THE SALARY OF THE RECORDER OF THE APEX RECORDER'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 282 of the Public-Local Laws of 1917, as amended by Chapter 489 of the Public-Local Laws of 1919, is hereby amended by rewriting the last sentence of Section 3 of said Chapter 282 to read as follows: Ch. 282, Public-Local Laws, 1917, amended.

"He shall take and subscribe the oath required by Judges of the Superior Courts and shall receive a salary not to exceed fifty dollars ($50.00) per day while actually engaged in holding said courts, to be fixed and determined by the Town Commissioners of the Town of Apex and paid by the Town of Apex monthly, but such salary shall not exceed one hundred dollars ($100.00) per month." Apex Recorder's Court, oath and salary of Recorder.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 526 **CHAPTER 314**

AN ACT TO PROVIDE FOR UNIFORM COSTS TO BE TAXED IN THE SEVERAL RECORDERS' COURTS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Robeson County, Recorders' Courts, schedule of costs.

SECTION 1. Notwithstanding any other provisions of law, the schedule of costs set out below shall be taxed in the recorders' courts of the Lumberton Recorder's Court District, Maxton Recorder's Court District, Rowland Recorder's Court District, St. Pauls Recorder's Court District, Red Springs Recorder's Court District, and the Fairmont Recorder's Court District, all in Robeson County:

County tax	$4.00
Affidavit	.25
Jail fee, when defendant actually placed in jail	1.50
Trial and judgment, including plea of guilty	1.00
Solicitor's fee	5.00
Arrest fee	2.00
Serving subpoena on witness	.30
Each meal in jail, not exceeding two meals per day	.50
State tax	2.00

Disbursement of costs and fees.

SEC. 2. The clerk of each recorder's court in Robeson County shall disburse the costs to the proper authority or agency to receive such costs. All fees or costs herein provided, except State tax and unless specifically required to be otherwise disbursed, shall be paid to Robeson County. The jail fee taxed in any recorder's court shall in each instance be paid into the treasury of the town where such jail is situated, except in the case of the Town of Lumberton. The arrest fees and the fees for serving subpoenas taxed in any recorder's court when the arrest is made or the subpoena served by a town officer shall be paid into the treasury of the town by which such officer is employed. One-half of the county tax of four dollars ($4.00) taxed in any recorder's court shall be paid into the treasury of the town in which such recorder's court is situated, except with respect to the Town of Lumberton in which case only one-fourth of the county tax of four dollars ($4.00) shall be paid into the treasury of the Town of Lumberton.

Disbursement of county tax.

Application of Act.

SEC. 3. This Act applies only to Robeson County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after the first day of May, 1949.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 528 **CHAPTER 315**

AN ACT TO FIX THE FEE FOR THE RECORDING OF CHATTEL MORTGAGES BY THE REGISTER OF DEEDS OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Camden County, Register of Deeds, fee for recording chattel mortgage.

SECTION 1. The Register of Deeds of Camden County shall receive a fee of sixty cents (60c) for recording each chattel mortgage.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 547 **CHAPTER 316**

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Alleghany County, fees of Register of Deeds.

SECTION 1. On and after the first of the month following the ratification of this Act, the fees to be charged by the Register of Deeds of Alleghany County shall be as hereinafter set out: *Provided*, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county:

Recording regular form of Deeds	$ 1.50
Recording regular form Deed of Trust	1.50
Recording Federal Land Bank Deed of Trust	2.50
Recording Conditional Sales Contract	1.00
Recording regular form Chattel Mortgage	.75
Recording regular form Emergency Crop Lien	.50
Recording FSA Agri. Lien and Crop and Chattel Mortgage	1.00
Recording irregular form Deeds, Deeds of Trust and other instruments which must be written out on record for first three copy sheets and 25c for each additional copy sheet.	1.00
Recording Marriage License	1.00
Recording transfers of real estate for tax record	.20
Recording Discharges	.75
Issuing Marriage License	2.00
Making out Tax Receipts (per ticket)	.20

Writing County Claims (per claim)	$ .10
Clerk to Board of County Commissioners (per month)	25.00
Making Certified Copy of Marriage Certificate	.75
Making Certified Copy of Birth Certificate	.75
Making Certified Copy of Discharge	.75
Typing permanent index of Deeds (per name)	.10
Indexing Vital Statistics (per name)	.10
Cancelling Deed of Trust	.50
Cancelling Chattel Mortgage and Conditional Sales Contracts	.50
Preparing list of names for Jury	25.00

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 619 CHAPTER 317

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Franklin County, fees of Register of Deeds.

SECTION 1. In Franklin County the fees to be charged by the register of deeds shall be as hereinafter set out: *Provided,* that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county.

Recording chattel mortgages and retaining title note (printed form)	$ .50
Recording irregular contracts not exceeding 300 words (Plus 25c for each additional 100 words)	1.25
Recording short form agricultural liens—chattel mortgages	1.00
Recording Federal Housing Administration seed loans	1.00
Recording Production Credit Association forms	1.00
Recording lien bonds—chattel mortgages	1.25
Recording easements or rights-of-way	1.50
Recording warranty deeds	1.50
Recording timber deeds	2.00
Recording corporation deeds	2.00
Recording deeds of trust where descriptions do not exceed 500 words (printed form)	1.75

(Plus 25c additional for insurance clause or description over 500 words)

Recording deeds of trust of Federal Land Banks, Federal Housing Administration, Prudential Life Insurance Company, Mutual Life Insurance Company, Security Life & Trust Company and Land Bank Commissioners, where the description does not exceed 500 words $4.00
(Plus 25c additional for descriptions over 500 words)

Recording deeds of trust of the Life Insurance Company of Virginia, where the description does not exceed 500 words 4.50
(Plus 25c additional for descriptions over 500 words)

Recording deeds of trust of Building and Loan Associations, where the description does not exceed 500 words 2.25
(Plus 25c additional for descriptions over 500 words)

Recording and indexing maps 1.50
(Plus an additional $2.00 charged by blue printers for making photostatic copies)

With respect to real estate instruments, the register of deeds shall collect, in addition to the fees set out above, 25c for each and every different family name over and above one, and 25c for each and every notary public's affidavit in excess of one affidavit, irrespective of the family names included in the affidavit.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 596 CHAPTER 318

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PENDER COUNTY TO SPEND SURPLUS FUNDS FOR PURCHASE OF HOSPITAL SITE.

The General Assembly of North Carolina do enact:

Pender County, appropriation from surplus funds for purchase of hospital site.

SECTION 1. The Board of Commissioners of Pender County is hereby authorized and empowered to appropriate and spend for the purchase of a site for the construction of a county hospital for building of which bonds have been voted by said county, not to exceed three thousand five hundred dollars ($3,500.00), the funds for which may be appropriated from any surplus funds which said county may now have unexpended and available therefor.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 578 CHAPTER 319

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF WASHINGTON, NORTH CAROLINA, TO APPOINT WARRANT OFFICERS, AND DEFINING THEIR DUTIES.

The General Assembly of North Carolina do enact:

City of Washington, appointment of warrant officers.

SECTION 1. That the Board of Aldermen of the City of Washington are hereby authorized to appoint, and from time to time to reappoint, two persons who shall be known as warrant officers and who shall execute the powers hereinafter conferred upon them. Such persons shall be police officers who are members of the Police Force of the City of Washington and who are assigned to duty as desk sergeants or other inactive police duty. In no case shall a person be appointed or serve as a warrant officer who is on active duty as a police officer. Said persons shall serve at the pleasure of the Board of Aldermen of the City of Washington, and shall receive no additional compensation for their duties as warrant officers.

Powers and duties of warrant officers.

SEC. 2. That said warrant officers are hereby given the power to issue process for the apprehension of persons charged with any criminal offense committed within the jurisdictional limits of the City of Washington. They shall have the same powers

that are conferred upon the persons named in Section 15-18 of the General Statutes of North Carolina, except that the powers herein are limited to the jurisdictional limits of the City of Washington, North Carolina.

SEC. 3. That this Act shall apply only to the City of Washington, North Carolina. Application of Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. B. 617 CHAPTER 320

AN ACT TO FIX CERTAIN FEES OF THE CLERK OF THE SUPERIOR COURT OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In Franklin County the fees to be charged by the Clerk of the Superior Court shall be as hereinafter set out: *Provided,* that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county. Franklin County, fees of Clerk of Superior Court.

Order in Attachment	$ 1.00
Preparing Bill of Cost	.50
Bond or Undertaking including Justification	1.00
Docketing Ex Parte proceeding	.75
Docketing Judgment	.50
Docketing Summons	.50
Impanelling Jury	.25
Order enlarging time for pleading and all other interlocutory orders in civil actions and special proceedings	.35
Recording and copying papers per copy sheet	.15
Subpoena, each name	.25
All probates of Chattel Mortgages, Notes, Deeds of all kinds, Lien Bond, etc.	.25

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

S. B. 177 **CHAPTER 321**

AN ACT TO AUTHORIZE AN ELECTION IN THE TOWN OF SANFORD WITH RESPECT TO THE CREATION OF THE OFFICE OF CITY MANAGER OR TOWN MANAGER OR SUPERINTENDENT OF PUBLIC WORKS.

The General Assembly of North Carolina do enact:

Town of Sanford, appointment of administrative officer.

Title of officer.

SECTION 1. The Board of Aldermen of the Town of Sanford shall by a majority vote of said aldermen after this Act becomes effective, appoint an administrative officer whose title shall be "Town Manager" or "City Manager" or "Superintendent of Public Works", which administrative officer shall be chosen by the aldermen solely on the basis of his qualifications at the time of his appointment and such administrative officer need not be a resident of the town or State but during his tenure of office he shall reside in the town. No member of the board of aldermen shall be eligible for appointment to the office hereby created until one year has elapsed following the expiration of the term for which he was elected.

Member of board of aldermen ineligible for appointment.

Term of office.

Removal by board of aldermen.

SEC. 2. The administrative officer provided in Section 1 of this Act shall be appointed for an indefinite term but may be removed by a majority vote of the board of aldermen and the action of the board of aldermen in removing such administrative officer shall be final.

Oath of administrative officer.

Bond required.

SEC. 3. Before entering upon the discharge of the duties of the office, such administrative officer provided in Section 1 shall take an oath that he will faithfully perform his duties and shall execute and file with the board of aldermen a bond in favor of the Town of Sanford with sufficient sureties conditioned upon the faithful discharge by him of such duties. The amount of such bond shall be fixed by the board of aldermen and the premium therefor shall be paid by the Town of Sanford.

Personal interest in contracts with city, etc., prohibited.

Political activity restricted.

SEC. 4. The administrative officer created by Section 1 shall not be personally interested in any contract to which the city is a party or doing any work or supplying materials of any character to the town, nor shall he be a stockholder or interested in any manner in any corporation making or having such a contract with the town, nor shall he engage in political elections nor take an active part in political campaigns nor attempt to influence the results of State, county or city elections, except by exercise of his right as a citizen to hold his own political views and cast his own vote.

Powers and duties of administrative officer.

SEC. 5. The administrative officer hereunder shall devote his entire time to duties of his office and shall attend all meetings of the town board of aldermen and recommend to said board from time to time such measures and actions as he shall deem necessary and proper for the conduct of the business of the

town and supply said board with all useful and necessary information and details concerning any of the departments of work under his control. He shall have and exercise control of the several heads or departments and employees of the town and shall make all contracts for labor and materials to be performed for or furnished to the town, except that all such contracts exceeding five hundred dollars ($500.00) shall be otherwise handled by the board of aldermen according to law. He shall see that the laws and ordinances of the town and the resolutions and regulations of the board of aldermen shall be enforced. He shall make recommendations to the board of aldermen with respect to the revocation of licenses. He shall have power and authority to appoint all subordinate officers and servants of the town and to remove or suspend any officer or servant employed by him but he shall report such appointment or removal to the board of aldermen: *Provided,* that nothing herein contained shall be construed to take from the board of aldermen the power and authority to elect the town treasurer, town clerk, town tax collector and town attorney or auditor or to fix the duties and compensation of such persons. Also the board of aldermen shall have the power and authority to fix the compensation for supervisors or heads of the various departments of the town.

Certain powers retained by board of aldermen.

SEC. 6. The administrative officer hereunder shall have control of all personal property belonging to the town and shall direct the use thereof together with such real property as may be left to his control by the board of aldermen. He shall have authority and charge of all public works, the erection of buildings for the town, the construction of all improvements, paving, curbing, bridges and other public works and the repair thereof. He shall approve all pay rolls and bills against the town for materials furnished, work done or labor performed except salaries fixed by the board of aldermen. He shall have control of telephone poles and wires. He shall perform such other duties as may be imposed upon him by the board of aldermen. He shall receive such compensation as the board of aldermen may determine and fix.

Additional powers and authority of officers.

Compensation.

SEC. 7. Sections 1 through 6 of this Act shall not become effective until ratified and approved by a majority of the qualified voters of the Town of Sanford at an election to be called by the Board of Aldermen of said Town of Sanford, and to be held upon the date to be fixed by said board of aldermen, not later than the 28th day of June, 1949. For such election, the appointment of registrars and other election officers and the manner conducted shall be as nearly as may be under the same rules, laws and regulations governing the election of a Mayor and Board of Aldermen of the Town of Sanford as provided by law. A ballot shall be furnished each qualified voter at such election, which ballot shall contain the words "For Appointment of Manager" and the words "Against Appointment of Manager"

Effectiveness of Act subject to election.

Conduct of election.

Form of ballot.

with ballot squares in front of each alternative in one of which squares the voter may make an "X" mark to indicate whether for or against the proposition submitted. If, at said election, a majority of the votes cast shall be in favor of appointment of a manager, then Sections 1 through 6 of this Act shall be in full force and effect, from and after June 30, 1949, but if a majority of the votes cast shall be against the appointment of a manager, then, in that event, the said Sections 1 through 6 of this Act shall not become effective.

Provisions of Act subject to approval by voters.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 62 CHAPTER 322

AN ACT FOR THE BETTER PROTECTION AND PEACE AMONG THE PEOPLE ON THE PUBLIC ROADS AND HIGHWAYS AND PUBLIC PLACES OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Martin County, disorderly conduct, etc., prohibited on public roads or near public places.

SECTION 1. It shall be unlawful for any person on any public road or highway, or in the immediate vicinity of any public place in Martin County, in the hearing of two or more persons, to be drunk, or drunk and disorderly, or to use indecent, vulgar or profane language so as to disturb others.

Violations made misdemeanor.

SEC. 2. Any person violating the provisions of Section 1 of this Act shall, upon conviction, be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars ($50.00), or imprisoned not exceeding thirty days.

Application of Act.

SEC. 3. This Act shall apply to Martin County only.

Conflicting laws repealed.

SEC. 4. All laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 387 **CHAPTER 323**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF REIDSVILLE TO CONVEY PROPERTY TO GOVERNMENTAL AGENCIES AND AMEND SECTIONS 160-2 AND 160-59 OF THE GENERAL STATUTES ACCORDINGLY.

Preamble: City of Reidsville, enactment of certain legislation requested.

WHEREAS, the Council of the City of Reidsville at a meeting held on February 10, 1949, requested the enactment of legislation authorizing the conveyance of property to governmental units: *Now, therefore,*

The General Assembly of North Carolina do enact:

City of Reidsville, private sale of municipal property to certain agencies, etc., authorized.

SECTION 1. The City Council of the City of Reidsville shall have the power to sell at private sale to the committee of the Reidsville Graded School District, the County of Rockingham, or any agency of the State of North Carolina or the Government of the United States located within the territorial limits of Rockingham County any real or personal property belonging to the city for such consideration and upon such terms as, in the judgment of the city council, shall be in the best interest of the citizens of the City of Reidsville.

Conflicting laws amended or repealed.

SEC. 2. Sections 160-2 and 160-59 of the General Statutes to the extent that they conflict with this Act are hereby repealed and all other laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 409 **CHAPTER 324**

AN ACT RELATING TO THE CROSSING OF INTERSECTIONS BY BLIND PEDESTRIANS, AND TO THE CARRYING OF WHITE CANES OR WHITE CANES TIPPED WITH RED BY PERSONS WHO ARE NOT BLIND OR PARTIALLY BLIND.

The General Assembly of North Carolina do enact:

Public use of white canes by other than blind persons prohibited.

SECTION 1. It shall be unlawful for any person, except one who is wholly or partially blind, to carry or use on any street or highway, or in any other public place, a cane or walking stick which is white in color or white tipped with red.

Right of way of blind persons at crossings and intersections.

SEC. 2. At any street, road or highway crossing or intersection, where the movement of traffic is not regulated by a traffic officer or by traffic control signals, any blind or partially blind pedestrian shall be entitled to the right-of-way at such crossing or intersection, if such blind or partially blind pedestrian shall extend before him at arm's length a cane white in color or white tipped with red, or if such person is accompanied by a guide dog. Upon receiving such a signal, all vehicles at or approaching such intersection or crossing shall come to a full stop, leaving a clear lane through which such pedestrian may pass, and such vehicle shall remain stationary until such blind or partially blind pedestrian has completed the passage of such crossing or intersection. At any street, road or highway crossing or intersection, where the movement of traffic is regulated by traffic control signals, blind or partially blind pedestrians shall be entitled to the right-of-way if such person having such cane or accompanied by a guide dog shall be partly across such crossing or intersection at the time the traffic control signals change, and all vehicles shall stop and remain stationary until such pedestrian has completed passage across the intersection or crossing.

White cane or guide dog serve as signal for the blind.

Right of way at traffic control signal points.

Rights and privileges of blind persons without white cane or guide dog.

SEC. 3. Nothing contained in this Act shall be construed to deprive any blind or partially blind person not carrying a cane white in color or white tipped with red, or being accompanied by a guide dog, of any of the rights and privileges conferred by law upon pedestrians crossing streets and highways, nor shall the failure of such blind or partially blind person to carry a cane white in color or white tipped with red, or to be accompanied by a guide dog, upon the streets, roads, highways or sidewalks of this State, be held to constitute or be evidence of contributory negligence by virtue of this Act.

Violations made misdemeanor.

SEC. 4. Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days, or both.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall become effective on January 1, 1950.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 439 CHAPTER 325

AN ACT APPLICABLE ONLY TO McDOWELL COUNTY AMENDING SECTION 153-180 OF THE GENERAL STATUTES RELATING TO FEES OF JAILERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 153-180 of the General Statutes is hereby amended by changing the period at the end thereof to a colon, and by adding thereafter the following: G. S. 153-180, amended as to fees of jailer, McDowell County.

"*Provided* that in McDowell County the board of county commissioners may fix such jail fees at not less than fifty cents (50c) nor more than one dollar ($1.00)."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be effective from and after July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 469 CHAPTER 326

AN ACT TO PERMIT THE BOARD OF EDUCATION OF CARTERET COUNTY TO LEASE OR RENT, ON SUCH TERMS AS IT MAY DEEM ADVISABLE, PORTIONS OF SCHOOL PROPERTY UPON WHICH WILL BE ERECTED, WITHOUT PUBLIC EXPENSE, ATHLETIC OR RECREATIONAL FACILITIES.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Education of Carteret County is hereby authorized to lease or rent, on such terms as it may deem advisable, any portion of school property in said county upon which will be erected, without public expense, a stadia or other recreational facilities. Any rental or lease agreement entered into by the Board of Education of Carteret County under the terms of this Act shall contain a provision that the use of the facilities erected upon such rented or leased property shall not at any time interfere with school athletic or other activities, and that the premises so rented or leased shall be available for the use of such schools at any time during the school year. Carteret County, lease or rental of school property for stadia or recreational facilities. Provision with respect to use of property.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 484 CHAPTER 327

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SCOTLAND COUNTY TO PAY THE SHERIFF AND DEPUTY SHERIFFS OF SAID COUNTY FOR TRAVEL EXPENSE INCURRED WHILE TRAVELING OUTSIDE THE COUNTY ON OFFICIAL BUSINESS.

The General Assembly of North Carolina do enact:

Scotland County, Sheriff and Deputy Sheriffs, payment of expenses of travel outside county.

SECTION 1. When the Sheriff or any Deputy Sheriff of Scotland County is required to travel on official business of the county to point or points outside the territorial limits of said county, the county commissioners are authorized to pay actual expenses of such officers, including railway or bus fares, board bills and hotel expenses; and in the event they are traveling by automobile, they may be paid, in addition thereto, mileage at the rate of five cents (5c) per mile actually traveled while on such official business.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 489 CHAPTER 328

AN ACT TO REPEAL CHAPTER 356 OF THE PUBLIC-LOCAL LAWS OF 1913 RELATING TO THE EMPLOYMENT OF RELATIVES OF SCHOOL COMMITTEEMEN AS TEACHERS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 356, Public-Local Laws, 1913, relating to Avery County, repealed.

SECTION 1. Chapter 356 of the Public-Local Laws of 1913 is hereby repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 514 CHAPTER 329

AN ACT TO AMEND G. S. 51-8.1 RELATING TO HASTY MARRIAGES IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

G. S. 51-8.1, relating to hasty marriages, amended to exempt Hertford County.

SECTION 1. The last paragraph of G. S. 51-8.1, as it appears in the 1947 Supplement to the General Statutes, is amended by striking out in line 2 of said paragraph the word "Hertford".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 523 CHAPTER 330

AN ACT TO AMEND CHAPTER 551 OF THE PUBLIC-LOCAL LAWS OF 1919, AS AMENDED BY CHAPTER 210 OF THE PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF 1921, RELATING TO PAY OF JUSTICES OF THE PEACE IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Ch. 551, Public-Local Laws, 1919, relating to fees of Justices of the Peace, Union County, amended.

SECTION 1. Section 1 of Chapter 551 of the Public-Local Laws of 1919 is hereby amended by striking out the word "two" which appears between the words "of" and "dollars" in line 5 of said Section and substituting in lieu thereof the word "three."

SEC. 2. Section 1 of Chapter 551 of the Public-Local Laws of 1919 is hereby amended by striking out the words "one dollar" which appear between the words "of" and "for" in line 6 of said Section and substituting in lieu thereof the words "one and one-half dollars."

Ch. 551, Public-Local Laws, 1919, relating to same amended.

SEC. 3. Section 1 of Chapter 551 of the Public-Local Laws of 1919, as amended by Chapter 210 of the Public-Local Laws of the Extra Session of 1921, is hereby amended by striking out the words "seventy-five cents" which appear after the word

"cases" and before the semi-colon in lines 17 and 18 of said Section and inserting in lieu thereof the words "one and one-half dollars."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 524 CHAPTER 331

AN ACT TO AMEND CHAPTER 233 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATING TO THE FEES OF THE CONSTABLES OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Ch. 233, Public-Local Laws, 1921, relating to fees of constables, Union County, amended.

SECTION 1. Section 1 of Chapter 233 of the Public-Local Laws of 1921 is hereby amended by striking out the words "one dollar" which appear after the word "notice" at the end of line 3 of said Section, and substituting in lieu thereof the words "one and one-half dollars."

SEC. 2. Section 1 of Chapter 233 of the Public-Local Laws of 1921 is hereby amended by striking out the word "two" which appears before the word "dollars" in line 5 of said Section, and substituting in lieu thereof the words "two and one-half".

SEC. 3. Section 1 of Chapter 233 of the Public-Local Laws of 1921 is hereby amended by striking out the word "two" which appears before the word "dollars" in line 7 of said Section, and substituting in lieu thereof the words "two and one-half".

SEC. 4. Section 1 of Chapter 233 of the Public-Local Laws of 1921 is hereby amended by striking out the word "thirty" which appears after the word "case" and before the word "cents" in line 13 of said Section, and substituting in lieu thereof the word "fifty".

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 541 CHAPTER 332

AN ACT TO AMEND G. S. 14-107 RELATING TO PUNISHMENT OF MAKERS OF WORTHLESS CHECKS IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 14-107 is hereby amended by striking out "and" in the last line in the third paragraph of said Section, and putting a "," at the end of said Section and inserting in lieu thereof the words Beaufort County.

G. S. 14-107, penalty for issuance of worthless checks, amended to apply to Beaufort County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 542 CHAPTER 333

AN ACT TO VALIDATE CERTAIN CONVEYANCES MADE BY WAKE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. In all cases of deeds executed prior to the first day of January, 1947, by Wake County Board of Education, in which it appears that the property was offered for sale at public auction after due advertisement and the high bid at said public auction is subsequently raised, and said property was subsequently sold by the county board of education at a price which was greater than the high bid at the public auction, but where said property was not readvertised and resold in the manner provided for by Section 115-86 of the General Statutes of North Carolina, all such deeds are hereby validated and such deeds shall pass the title to the grantee, in the same manner and to the same effect as if said property had been readvertised and resold in accordance with the provisions of G. S. 115-86.

Wake County, certain conveyances by Board of Education validated.

SEC. 2. This Act shall not apply to any pending litigation.

Pending litigation unaffected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 543 CHAPTER 334

AN ACT AMENDING CHAPTER 343 OF THE PUBLIC LAWS OF 1929 RELATING TO THE ESTABLISHMENTS OF DOMESTIC RELATIONS COURTS SO AS TO STRIKE OUT DURHAM COUNTY FROM THE LIST OF COUNTIES EXEMPTED THEREFROM.

The General Assembly of North Carolina do enact:

Ch. 343, Public Laws, 1929, as to establishment of Domestic Relations Courts, amended to apply to Durham County.

SECTION 1. That Section 10 of Chapter 343 of the Public Laws of 1929 is hereby amended by striking out the word "Durham" in line 5 of said Section following the word "Guilford" and preceding the word "Wake".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 553 CHAPTER 335

AN ACT TO AMEND CHAPTER 235 OF THE SESSION LAWS OF 1945, AS AMENDED BY CHAPTER 199 OF THE SESSION LAWS OF 1947, RELATING TO THE COMPENSATION OF CERTAIN OFFICERS OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 235, Session Laws, 1945, relating to compensation of certain officials, Montgomery County, amended.

SECTION 1. Section 2 of Chapter 235 of the Session Laws of 1945, as amended by Section 1 of Chapter 199 of the Session Laws of 1947, is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 554 CHAPTER 336

AN ACT AUTHORIZING THE PAYMENT OF MILEAGE TO DEPUTY SHERIFFS OF MONTGOMERY COUNTY, WHO ARE ON A FEE BASIS, FOR TRAVEL EXPENSE INCURRED ON OFFICIAL BUSINESS.

The General Assembly of North Carolina do enact:

Montgomery County, travel allowance for deputy sheriffs on fee basis.

SECTION 1. From and after the ratification of this Act, Deputy Sheriffs of Montgomery County, who receive their compensation entirely from fees, shall be allowed mileage at a rate to be fixed by the county commissioners of said county for travel expense necessarily incurred by them in conveying prisoners to jail, or from one jail to another for any purpose, or to any place of punishment, or to appear before any court in Montgomery County. The travel expense so fixed by the board of county commissioners shall be taxed in each case in the bill of costs where the prisoner has been convicted, has pled guilty, or entered a plea of nolo contendere and is adjudged to pay the costs. The expense so incurred shall be allowed by the board of county commissioners and paid to the deputy sheriff incurring such expense out of the General Fund of Montgomery County. In all cases where the defendant is required to pay the costs and pays the same, such expense shall be paid into the general fund of the county. For the purpose of this Act, the term "prisoner" is defined as any person who has been placed under arrest by any peace officer and has been transported from the place of arrest to jail, or from one jail to another for any purpose, or to any place of punishment, or to appear before any court in Montgomery County.

Travel expense taxed as part of costs.

"Prisoner" defined.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 555 CHAPTER 337

AN ACT TO FIX THE FEES OF THE CORONER OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Montgomery County, fees of Coroner.

SECTION 1. From and after the ratification of this Act, the Coroner of Montgomery County shall receive for holding an inquest over a dead body ten dollars ($10.00); if necessarily engaged more than one day in holding such inquest, the coroner

shall receive for each additional day the sum of ten dollars ($10.00).

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

H. B. 572 CHAPTER 338

AN ACT TO AMEND CHAPTER 347 OF THE SESSION LAWS OF 1947, RELATING TO THE SALARIES OF THE DEPUTY SHERIFF AND JAILER OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 347, Session Laws, 1947, amended to increase limitation on salary of deputy sheriff, Polk County.

SECTION 1. Section 2 of Chapter 347 of the Session Laws of 1947 is hereby amended by striking out the words and figures "two thousand dollars ($2,000.00)" which appear after the word "than" and before the word "per" in lines 3 and 4 of said Section, and substituting in lieu thereof the following words and figures: "twenty-five hundred dollars ($2,500.00)".

Limitation on salary of jailer increased.

SEC. 2. Section 4 of Chapter 347 of the Session Laws of 1947 is hereby amended by striking out the words and figures "twelve hundred dollars ($1,200.00)" which appear after the word "than" and before the word "per" in lines 7 and 8 of said Section, and substituting in lieu thereof the following words and figures: "fifteen hundred dollars ($1,500.00)".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1949.

S. B. 194 **CHAPTER 339**

AN ACT TO AMEND CHAPTER 736 OF THE LAWS OF 1947 RELATING TO THE SALARY OF THE REGISTER OF DEEDS OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 736 of the laws of 1947 be amended as follows: Ch. 736, Session Laws, 1947, amended.

That Sections 3 and 4 of the said Act be renumbered to read Section 4 and Section 5.

SEC. 2. After Section 2 add the following to be known as Sec. 3 "The Board of County Commissioners of Iredell County be, and they are hereby, authorized in their discretion to increase the salary of the register of deeds to four thousand dollars ($4,000.00) per annum. Nothing herein contained shall be construed as authorizing the said board to decrease the salary of said register of deeds to an amount of less than three thousand dollars ($3,000.00) per annum. Iredell County, Register of Deeds, salary increase authorized. Limitation on decrease of salary.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

S. B. 209 **CHAPTER 340**

AN ACT TO AMEND CHAPTER 235 PUBLIC-LOCAL LAWS OF 1939, RELATING TO THE MUNICIPAL GOLF COURSE AND RECREATIONAL GROUNDS OF THE TOWN OF LUMBERTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 235 Public-Local Laws of North Carolina, Session 1939, be amended by inserting a new Section in the aforesaid Act immediately following Sec. 3 reading as follows: Ch. 235, Public-Local Laws, 1939, amended as to powers of Trustees of Public Golf Course and Recreational Grounds, Lumberton.

"SEC. 3½. That in addition to the powers enumerated in the foregoing Sec. 3 said trustees shall have the power to lease said lands for recreational purposes."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

S. B. 275 **CHAPTER 341**

AN ACT TO AMEND S. B. NO. 31, RATIFIED ON THE 7TH DAY OF MARCH, 1949, RELATING TO SUPPLEMENTAL APPROPRIATIONS FOR THE BIENNIUM 1947-49, SO AS TO MAKE THE ACT APPLICABLE TO TEACHERS AND OTHER STATE EMPLOYEES WHO HAD NOT SEPARATED THEMSELVES FROM STATE SERVICE ON THE 1ST DAY OF OCTOBER, 1948.

The General Assembly of North Carolina do enact:

Ch. 223, Session Laws, 1949, Supplemental Appropriations Act, amended.

SECTION 1. Section 8 of S. B. No. 31, ratified on the seventh day of March, 1949, is hereby amended by rewriting the proviso in said Section to read as follows:

Application of Act to those separating from State service.

"*Provided, further,* that a teacher or other State employee who separates himself or herself from State service prior to the first day of October, 1948, shall not receive any benefits from these additional appropriations, or that a teacher or other State employee who separates himself or herself from State service after the first day of October, 1948, shall not receive any adjustments or increases except that part applicable to the time the employee was actually in State service."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

H. B. 438 **CHAPTER 342**

AN ACT TO FIX THE TERMS OF OFFICE OF COUNTY COMMISSIONERS OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

McDowell County, Board of County Commissioners; members; terms.

SECTION 1. That the Board of County Commissioners of McDowell County shall consist of three (3) members to be elected for terms of office of two (2), four (4) and six (6) years, respectively, at the next general election.

SEC. 2. That in the General Election of the year 1950, of the candidates who shall be elected as members of the board of county commissioners, the one receiving the largest number of votes shall be elected and shall serve for a term of six (6) years, the one receiving the next highest vote shall be elected and shall serve for a term of four (4) years, and the one receiving the next highest vote shall be elected and shall serve for a term of two (2) years.

SEC. 3. That beginning with the General Election of 1952, there shall be elected biennially one member of the board of county commissioners for said county who shall serve for a term of six (6) years.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

H. B. 537 CHAPTER 343

AN ACT RELATING TO THE ESTABLISHMENT OF SPECIAL SCHOOL DISTRICTS FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF SCHOOL BONDS AND TO LEVY TAXES WITHIN SUCH DISTRICTS OR UNITS FOR THE PAYMENT OF SAID BONDS BY AMENDING CHAPTER 279 OF THE PUBLIC-LOCAL LAWS OF 1937.

The General Assembly of North Carolina do enact:

SECTION 1. Section 11 of Chapter 279 of the Public-Local Laws of 1937 is amended by striking out the period at the end of said Section and adding the following: "and Craven County."

Ch. 279, Public-Local Laws, 1937, relating to creation of school districts, amended to apply to Craven County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

H. B. 549 CHAPTER 344

AN ACT PROVIDING FOR AN ELECTION ON THE QUESTION OF THE LOCAL SCHOOL SUPPLEMENT TAX, SOUTHPORT WHITE SCHOOL DISTRICT, IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The County Board of Education of Brunswick County, subject to the approval of the tax levying authorities of said county and of the State Board of Education, in order to operate schools of a higher standard than that provided by

Brunswick County, Southport White School District, election on school supplement tax levy.

State support in Southport White School District of Brunswick County, but in no event to provide for a term of more than 180 days, may supplement the funds from State or county allotments available to said district:

Provided, that before making any levy for supplementing said allotments an election shall be held in said district to determine whether there shall be levied a tax to provide said supplemental funds and to determine the maximum rate which may be levied therefor. Before said election can be held in such district, a petition of the district committee setting out the purposes for which said election is to be held and the maximum rate of tax which may be levied shall be approved by the county board of education, the tax levying authorities of said county, and the State Board of Education. When such approval is had, then upon the request of the county board of education, the tax levying authorities of Brunswick County shall provide for an election under the laws governing such election as are set forth for county and city administrative unity supplementary elections in General Statutes 115-361.

Petition by district committee.

Application of G. S. 115-361.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

H. B. 576 CHAPTER 345

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF BEAUFORT COUNTY TO REGULATE THE SALARIES OF THE CLERKS OF THE RECORDER COURTS AT BELHAVEN, WASHINGTON, AND AURORA IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Beaufort County, regulation of salaries of clerks of Recorders' Courts at Belhaven, Washington and Aurora.

SECTION 1. That the Board of County Commissioners of Beaufort County is authorized and empowered to increase or decrease the salaries of the Clerks of the Recorder Courts at Belhaven, Washington, and Aurora, from time to time, in such manner as said board of commissioners shall find will reasonably and fairly compensate said clerks for the duties performed: *Provided,* such salaries of said clerks shall at no time be decreased below the minimum salary as now fixed by statute, and *provided further* that the salaries of the Clerks of the Recorders Courts at Belhaven and Aurora shall not be increased to an amount in excess of $600.00 per annum and the salary of the Clerk of the Recorders Court at Washington to an amount in excess of $3,000.00 per annum.

Maximum and minimum limitations.

SEC. 2. That the allowance of any compensation, heretofore permitted, in excess of the salary of any of said clerks as now fixed by statute, be and the same is hereby validated and approved. Prior increases in salary validated.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

H. B. 582 **CHAPTER 346**

AN ACT TO AMEND CHAPTER 538 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATIVE TO THE DURHAM POLICE OFFICERS ACT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 7 of Chapter 538 of the Public-Local Laws of 1939 is hereby amended by striking out the word "twenty-five" following the word "less" and preceding the words "per cent" in line 9 of the last paragraph of said section and inserting in lieu thereof the word "five". Ch. 538, Public-Local Laws, 1939, amended as to reimbursement to officers discharged or resigned.

SEC. 2. That Section 7 of Chapter 538 of the Public-Local Laws of 1939 is hereby amended by striking out the words "twenty-five" following the word "had" in line 4 and the words "twenty-five" following the words "less than" in line 6 of the first paragraph of said Section and inserting in lieu thereof in both places, the word "twenty", and by striking out the word "sixty" following the words "age of" and preceding the word "years" in line 8 of the first paragraph of said Section and inserting in lieu thereof the words "fifty-five". Eligibility of officers for retirement benefits.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its date of ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

H. B. 655 CHAPTER 347

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF TRANSYLVANIA COUNTY, WITH THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY, TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF ADDITIONS TO THE ROSMAN ELEMENTARY SCHOOL BUILDING, PAYMENT FOR COST OF PART OF WHICH BONDS HAVE BEEN VOTED, AND TO AUTHORIZE THE PAYMENT OF THE BALANCE OF CONTRACT COST FROM CAPITAL OUTLAY FUNDS.

Preamble: Transylvania County, bond issue for construction of school buildings.

WHEREAS, during the year 1946, a three hundred ten thousand dollar ($310,000.00) bond issue was approved by the voters of Transylvania County for the construction of a number of school buildings therein, and included among such school building projects was the Rosman Elementary School building at Rosman in said county; and

Proceeds insufficient to complete projects.

WHEREAS, the proceeds from said bond issue and from all other sources was insufficient to complete all of the projects which were contemplated at that time; and

Rosman Elementary School building project.

WHEREAS, the Rosman Elementary School building project was one of those which was not constructed; and

Amount of funds available for construction of Rosman Elementary School.

WHEREAS, there now remains on hand from the proceeds of said bond issue and from other sources, the sum of one hundred fifty thousand dollars ($150,000.00) which has been appropriated for the construction of said building; and

Amount of low bid received in excess of funds available.

WHEREAS, the lowest bid received for the construction of said building, after duly advertising the same twice, is in the amount of one hundred ninety-eight thousand four hundred dollars ($198,400.00), and the Board of County Commissioners of Transylvania County desires to levy for the fiscal year 1949-1950 a tax in amount sufficient to provide for the payment of the difference in the amount now on hand and the amount of the low bid received for said construction; and

Desire for tax levy to provide for payment of difference.

Desire to accept low contract bid.

WHEREAS, the board of education desires to enter into the contract and the board of county commissioners of said county desires to approve the contract on the basis of the low bid: *Now, therefore,*

The General Assembly of North Carolina do enact:

Contract for construction of Rosman Elementary School building, authorized.

SECTION 1. Upon the passage of a resolution by the Board of County Commissioners of Transylvania County approving the execution of the contract to construct the Rosman Elementary School building, and agreeing in said resolution to provide from capital outlay funds for the fiscal year 1949-1950 the sum of forty-eight thousand four hundred dollars ($48,400.00), the

board of education of said county, notwithstanding the provisions of G. S. 153-130, is authorized to enter into a contract for the construction of said building, in an amount not to exceed the sum of one hundred ninety-eight thousand four hundred dollars ($198,400.00), which was the amount of the lowest bid received for said construction after due advertisement and notice, as required by law.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1949.

S. B. 183 **CHAPTER 348**

AN ACT FIXING THE FEES OF JUSTICES OF THE PEACE IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Ch. 1066, Session Laws, 1945, amended as to fees of Justices of the Peace, Catawba County.

SECTION 1. Chapter 1066 of the Session Laws of 1945 is amended by striking out the word "county" in line 7 of Section 1 and inserting in lieu thereof the following: "and Catawba Counties."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 191 CHAPTER 349

AN ACT TO EXEMPT LEE COUNTY (AND SAMPSON COUNTY) FROM THE PROVISIONS OF SECTION 67-13 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. 67-13, payment for damages by dogs, etc., amended to exempt Lee and Sampson Counties.

SECTION 1. The provisions of Section 67-13 of the General Statutes of North Carolina shall not apply to the County of Lee and the County of Sampson; and the County of Lee and the County of Sampson are hereby exempted therefrom.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 205 CHAPTER 350

AN ACT AUTHORIZING THE GOVERNING BODY OF THE TOWN OF WELDON TO PRIVATELY SELL OR LEASE CERTAIN PROPERTY AND TO MAKE REPAIRS TO THE WELDON COMMUNITY CENTER BUILDING.

The General Assembly of North Carolina do enact:

Town of Weldon, private sale or lease of Community Center property authorized.

SECTION 1. The Governing body of the Town of Weldon is authorized and empowered to sell and/or lease that certain lot or parcel of land, together with improvements thereon, lying and being in Weldon Township, Halifax County, and known as the Weldon Community Center property, upon such terms and conditions as said governing body may find to be to the best interest of said town, without the necessity of publicly advertising such sale or lease or otherwise complying with the requirements of the General Statutes 160-59 to sell municipal property at public outcry after thirty (30) days notice to the highest bidder.

Use of certain surplus funds for improvement of property.

SEC. 2. The Governing Body of the Town of Weldon is authorized to use any surplus funds, not derived from taxation, for the purpose of altering, repairing, painting or otherwise improving the property known as the Weldon Community Center and conveyed by the Weldon Community Center, Incorporated, to the Town of Weldon by a deed dated February 21st, 1938.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 225 CHAPTER 351

AN ACT TO AMEND G. S. 160-65, RELATING TO THE ESTABLISHMENT OF PUBLIC LIBRARIES.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 160-65, as it appears in the 1947 Supplement to the General Statutes, is hereby amended by adding a new paragraph at the end thereof to read as follows:

G. S. 160-65, public libraries established upon petition and popular vote, amended.

"The provisions of this Section shall apply to the territory in any county in this State situated outside incorporated cities or towns therein which have established libraries upon petitions and popular elections under this Section. It is the intent and purpose of this Act to authorize qualified voters in the territory lying outside incorporated cities and towns in this State to file petitions with the governing body of the county in which they are situated, and to be permitted to vote for the establishment of libraries in said territory, and to levy and collect taxes for the establishment and maintenance of the same in the manner and within the limitations set out in this Section."

Establishment of library in territory outside incorporated city or town.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 227 CHAPTER 352

AN ACT TO AMEND G. S. 160-200 SO AS TO AUTHORIZE MUNICIPALITIES IN THIS STATE TO PROVIDE FOR THE CONSTRUCTION AND EQUIPMENT OF PUBLIC LIBRARIES.

The General Assembly of North Carolina do enact:

SECTION 1. Subsection 5 of G. S. 160-200 is hereby amended by striking out the period following the word "improvements" in line 3 of said Subsection, substituting a comma therefor and adding the following: "including public libraries and equipment for the same."

G. S. 160-200, corporate powers of municipalities, amended to include support of public libraries.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 228 CHAPTER 353

AN ACT TO AMEND ARTICLE 8 OF CHAPTER 160 OF THE GENERAL STATUTES, RELATING TO PUBLIC LIBRARIES.

The General Assembly of North Carolina do enact:

G. S. 160-65, public libraries established upon petition and popular vote, amended.

SECTION 1. Section 160-65 of the General Statutes, as amended, is hereby further amended by rewriting the second from the last sentence of the first paragraph of said Section, as the same is set out in the 1947 Supplement to the General Statutes, to read as follows:

Limitation on special tax levy for library purposes increased.

"If a majority of the qualified voters voting at said special election vote in the affirmative, the governing body of the voting unit shall establish the library and may levy, and cause to be collected as other general taxes are collected, a special tax in the amount requested by the petition, which shall not be more than ten cents (10c) nor less than three cents (3c) on the one hundred dollars ($100.00) of the assessed value of the taxable property of such unit."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 229 CHAPTER 354

AN ACT TO AMEND SECTION 153-77 OF THE GENERAL STATUTES SO AS TO AUTHORIZE COUNTIES TO ISSUE BONDS AND LEVY TAXES OR OTHERWISE PROVIDE FOR THE ERECTION AND PURCHASE OF LIBRARY BUILDINGS AND EQUIPMENT.

The General Assembly of North Carolina do enact:

G. S. 153-77, County Finance Act, amended to authorize issue of bonds and levy of taxes for public libraries.

SECTION 1. Section 153-77 of the General Statutes, as amended, relating to the purposes for which counties may issue bonds and levy taxes, is hereby further amended by adding at the end thereof a new Subsection to read as follows:

"(m) Erection and purchase of library buildings and equipment; or any other available funds may be used by a county for this purpose."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 298 CHAPTER 355

AN ACT TO AMEND GENERAL STATUTES 20-88 INCREASING THE GROSS WEIGHT OF TRAILERS TOWED BY PASSENGER CARS FROM FIFTEEN HUNDRED (1500) TO TWO THOUSAND (2000) POUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 20-88, as amended, is hereby further amended by rewriting the first sentence of Subsection (c) thereof, as said sentence appears in the 1947 Cumulative Supplement to the General Statutes of North Carolina, so that said first sentence of Subsection (c) of G. S. 20-88 shall read as follows: G. S. 20-88, Motor Vehicle Act of 1937, amended as to licensing of property hauling vehicles.

(c) The minimum rate for any vehicle licensed under this Section shall be twelve dollars ($12.00), except that the license fee for a trailer having not more than two wheels with a gross weight of vehicle and load not exceeding twenty-five hundred (2500) pounds and towed by a vehicle licensed by the commissioner for not more than four thousand (4000) pounds gross weight or a passenger car shall be three dollars ($3.00) for any part of the license year for which said license is issued: *Provided, however*, that any such trailers operated for hire shall be taxed at the same rate as contract hauler vehicles: *Provided, further*, that in addition to the motor vehicle licenses authorized to be issued pursuant to the provisions of this Chapter, the department shall issue, upon application therefor, a license plate for trucks marked "farmer," which shall be issued upon evidence satisfactory to the department that the applicant is a farmer and is actually engaged in the growing, raising and producing of farm products as an occupation." Trailers; maximum weight under minimum license rate. Trailers operated for hire. Special license plate to trucks of farmers.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective from and after December 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 323 **CHAPTER 356**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF PITT COUNTY TO TRANSFER THE BALANCE OF CERTAIN ROAD BOND FUNDS TO THE SPECIAL SCHOOL DISTRICT FOR CAPITAL OUTLAY PURPOSES.

Preamble: Pitt County, surplus road bond funds.

WHEREAS, there remains on hand in the office of the County Auditor of Pitt County a balance of three thousand eight hundred and three dollars and ninety-six cents ($3,803.96) of the Ayden Township Road Bond Funds; of the Chicod Township Road Bond Funds, six thousand, three hundred and two dollars and fifty-eight cents ($6,302.58); of the Falkland-Fountain Township Road Bond Funds, eighty-six dollars and twenty-one cents ($86.21); of the Farmville Township Road Bond Funds, three thousand seven hundred and forty-five dollars and seventy-two cents ($3,745.72); of the Winterville Township Road Bond Funds, four hundred and seventy-six dollars and eighty cents ($476.80); and

WHEREAS, this money is no longer needed or useable for the purposes levied: *Now, therefore,*

The General Assembly of North Carolina do enact:

Transfer of surplus funds to special school districts.

SECTION 1. Board of County Commissioners of Pitt County is hereby authorized to transfer the balance of the Ayden Township Road Bond Funds in the amount of three thousand eight hundred and three dollars and ninety-six cents ($3,803.96), as follows: To the Ayden Special School District, three thousand two hundred and fifty-two dollars ($3,252.00); to the Grifton Special School District, five hundred and thirty-four dollars and eight cents ($534.08), and to the Winterville Special School District, seventeen dollars and eighty-eight cents ($17.88), all for Capital Outlay Purposes; to transfer the balance of the Chicod Township Road Bond Funds in the amount of six thousand three hundred and two dollars and fifty-eight cents ($6,302.58), as follows: To the Chicod Special School District, two thousand eight hundred and eighty dollars and ninety-one cents ($2,880.91), and to the Grimesland Special School District, three thousand four hundred and twenty-one dollars and sixty-seven cents ($3,421.67) all for Capital Outlay Purposes; to transfer the Falkland-Fountain Township Road Bond Funds in the amount of eighty-six dollars and twenty-one cents ($86.21), as follows: To the Falkland Special School District, forty-eight dollars and thirty-six cents ($48.36), and to the Fountain Special School District, thirty-seven dollars and eighty-five cents ($37.85), all for Capital Outlay Purposes; to transfer the balance of the Farmville Township Road Bond Funds in the amount of three thousand seven hundred and forty-five dollars and seventy-two cents ($3745.72), as follows: To the Farmville

Ayden Township Road Bond Funds.

Chicod Township Road Bond Funds.

Falkland-Fountain Township Road Bond Funds.

Farmville Township Road Bond Funds.

Special School District, three thousand six hundred and eighty-nine dollars and sixteen cents ($3,689.16), and to the Fountain Special School District, fifty-six dollars and fifty-six cents ($56.56), all for Capital Outlay Purposes; to transfer the balance of the Winterville Township Road Bond Funds in the amount of four hundred and seventy-six dollars and eighty cents ($476.80), to the Winterville Special School District, for Capital Outlay Purposes.

Winterville Township Road Bond Funds.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 390 CHAPTER 357

AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY TO EXAMINE APPLICANTS WHO WILL BE TWENTY-ONE BEFORE THE NEXT EXAMINATION.

The General Assembly of North Carolina do enact:

SECTION 1. That G. S. 90-118 is hereby amended by changing the period at the end of Subsection 1 thereof to a colon and adding the following:

G. S. 90-118, examination for practice of optometry, amended as to age requirements.

Provided, that the examination may be given to any applicant who will be twenty-one years of age before the next regular period for giving examinations: *Provided, further*, that no license shall be issued until the applicant reaches twenty-one years of age.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 396 **CHAPTER 358**

AN ACT TO AMEND SECTIONS 131-28.2, 131-28.4, 131-28.5, 131-28.6 AND 131-28.8 of the GENERAL STATUTES, CUMULATIVE SUPPLEMENT OF 1947, AS ENACTED BY CHAPTER 506 OF THE SESSION LAWS OF 1945 (BEING PORTIONS OF THE COUNTY HOSPITAL ACT), TO HARMONIZE SAID SECTIONS WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. 131-28.2, County Hospital Act, amended.

SECTION 1. That Section 131-28.2 of the General Statutes, Cumulative Supplement of 1947, as enacted by Section 2 of Chapter 506 of the Session Laws of 1945, be, and the same is hereby, amended by striking out, in the fourth sentence of said Section, the words "shall vote in favor of such assumption" and by inserting in lieu thereof the words "who shall vote on such assumption shall vote in favor thereof,".

G. S. 131-28.4, issuance of bonds subject to approval of voters, amended.

SEC. 2. That Section 131-28.4 of the General Statutes, Cumulative Supplement of 1947, as enacted by Section 4 of Chapter 506 of the Session Laws of 1945, be, and the same is hereby, amended by inserting, in the first sentence of said Section, the words "who shall vote thereon" after the words "Subject to the approval by the vote of a majority of the qualified registered voters of the county".

G. S. 131-28.5, referendum on question of tax to maintain hospitals, amended.

SEC. 3. That Section 131-28.5 of the General Statutes, Cumulative Supplement of 1947, as enacted by Section 5 of Chapter 506 of the Session Laws of 1945, be, and the same is hereby, amended by inserting, in the first sentence of said Section, the words "who shall vote thereon" after the words "and if a majority of the qualified registered voters of the county".

G. S. 131-28.6, amended.

SEC. 4. That Section 131-28.6 of the General Statutes, Cumulative Supplement of 1947, as enacted by Section 6 of Chapter 506 of the Session Laws of 1945, is hereby amended by rewriting said Section so that the same shall hereafter read as follows:

New registration may be ordered for election held under County Hospital Act.

"SECTION 131-28.6. New registration may be ordered for election held under Article. A new registration may be ordered for any election to be held under this Article, and in the event a new registration is ordered the same shall be called and conducted in accordance with the provisions of the laws of North Carolina governing the calling and conducting of elections for the issuance of county bonds."

G. S. 131-28.8, appointment of board of trustees for hospitals, amended.

SEC. 5. That Section 131-28.8 of the General Statutes Cumulative Supplement of 1947, as enacted by Section 8 of Chapter 506 of the Session Laws of 1945, be, and the same is hereby, amended by inserting, in the first sentence of said Section, the words "who shall vote thereon" after the words "Should a majority of the qualified registered voters of any county".

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 426 CHAPTER 359

AN ACT TO AMEND CHAPTER 148 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A PRISON ADVISORY COUNCIL.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 148 of the General Statutes of North Carolina is hereby amended by the addition thereto of another Article to be designated as "Article 9. Prison Advisory Council.", said Article to read as follows: G. S., Ch. 148, State Prison System, amended. "Article 9. Prison Advisory Council," enacted.

"Article 9. Prison Advisory Council.

"SEC. 148-85. Creation of council; purpose. There is hereby created a Prison Advisory Council (hereinafter called "The Council") for the purpose of promoting in the State prison system practices consistent with the best modern concepts and experience, directed toward the rehabilitation of prisoners. Creation of Council; purpose.

"SEC. 148-86. Membership; chairman. The Council shall be composed of the following members: five persons to be appointed by the Governor of North Carolina by reason of their interest in and knowledge of prison administration and the rehabilitation and the education of prisoners. One member shall be designated by the Governor to the Chairman of the Council. Initial appointments shall be for the following terms: one member for six years; two members for four years; and two members for two years. All appointments thereafter made shall be for terms of six years. In addition to the five regular members, the Attorney General and the Commissioner of Public Welfare shall be ex-officio members of the said Council. Membership; chairman. Ex-officio members.

"Each member of the Council, except the ex-officio members, shall receive as compensation the amounts set forth in Section 4 of the Budget Appropriation Bill for the Biennium 1949-51, this compensation to be paid out of the Contingency and Emergency Fund. Compensation of members.

"SEC. 148-87. Meetings. The Council shall meet at least semi-annually and at any other time at the call of the chairman. Meetings.

Report of meetings.

After each meeting, a written report shall be sent to the Chairman of the State Highway and Public Works Commission.

Function of Council.

"SEC. 148-88. Function. It is the duty of the Council to advise with the Prison Director on all matters pertaining to prison administration, the employment, training, custody, and discipline of prisoners and all other phases of prison management. The Council shall study thoroughly the State prison system and shall from time to time make recommendations for the improvement thereof to the State Highway and Public Works Commission."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 460 CHAPTER 360

AN ACT TO AMEND SECTION 20-111 OF THE GENERAL STATUTES AS THE SAME RELATES TO FRAUD IN THE PROCUREMENT OF CERTIFICATES OF TITLE FOR MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

G. S. 20-111, Motor Vehicle Act, amended.

SECTION 1. Rewrite Subsection (e) of Section 20-111 of the General Statutes to read as follows:

Fraud committed in procurement of certificate of title made misdemeanor.

"(e) To use a false or fictitious name or address in any application for the registration of any vehicle or for a certificate of title or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application. A violation of this Subsection shall constitute a misdemeanor punishable in the discretion of the court not to exceed two years."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 478 **CHAPTER 361**

AN ACT TO AMEND SECTION 20-88 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE LICENSING OF FRANCHISE HAULER VEHICLES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 20-88 of the General Statutes (1947 Cumulative Supplement) by adding the following paragraph at the end of Subsection (e) thereof:

G. S. 20-88, Motor Vehicle Act, amended as to licensing of franchise haulers.

"In lieu of the 6% gross revenue tax levied by this Subsection and the deposit required by Subsection (b) of this Section, franchise haulers may elect to pay a flat rate according to the highest rate provided by Subsection (b) of this Section for vehicles and loads of the same gross weight operated by contract haulers. The election to so pay must be made at the time license plates are applied for and may not thereafter be changed during the license year except that for the license year 1949 such election, if one is made, must be made on or before July 1, 1949. Vehicles registered and licensed during the license year and after the election herein provided for has been made, must be registered and licensed and the operator shall pay taxes on the operation thereof according to the election made. A failure by a franchise hauler to make an election under this paragraph shall render such franchise hauler liable for the deposit required by Subsection (b) of this Section and the 6% gross revenue tax levied by this Subsection."

Flat rate in lieu of gross revenue tax.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 504 **CHAPTER 362**

AN ACT TO AMEND CHAPTER 366 OF THE PUBLIC-LOCAL LAWS OF 1939 AS AMENDED, BEING THE CITY CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 366 of the Public-Local Laws of 1939 as amended, Section 49, Subsection (6), be, and the same is, hereby amended by striking out said Subsection (6) in its entirety and substituting in lieu thereof a new Subsection (6) reading as follows:

Ch. 366, Public-Local Laws, 1939, amended as to Civil Service Act, City of Charlotte.

Procedure for removal of officer or employee of fire or police department.

"(6) No officer or employee of the Fire or Police Department of the City of Charlotte shall be dismissed, removed, or discharged except for cause, upon written complaint, signed by the chief of either the fire or police department in which said officer or employee is employed making said complaint and until after the said officer or employee has been given an opportunity to be heard by the civil service board in his own defense, and in the event such officer or employee is convicted of violating the rules and regulations of the respective department, said board may dismiss, suspend or discharge said employee or officer from the service, or may suspend said officer or employee without pay for a period not to exceed ninety (90) days or may find said officer or employee not guilty. In the conduct of said investigations, each member of said board shall have full power and authority to secure by subpoena both the attendance and testimony of witnesses and the production of books and papers relative to such investigations;

Hearing before civil service board.

Penalties upon conviction.

Power of board to issue subpoenas.

Authority of departmental chief to suspend officer or employee.

Provided, further, that the chief of either the fire or police department, in addition to the above, hereby has the authority under this Act to suspend any officer or employee of their respective departments violating any rule or rules or regulation of such department or may cite them to the civil service board for trial, and said civil service board shall hold a hearing ten (10) days from the time of suspension by the chief as provided in this Act.

Limitation on period of suspension.

That the chief of either the fire or police department may suspend without pay for a period of time not exceeding thirty (30) days any officer or employee in the fire or police department under said chief's supervision for violating any rules or regulations that are adopted and are in full force and effect pertaining to said fire or police department; *provided, however,* that if any officer or employee suspended wishes to do so he may appeal from the order of the chief of the fire or police department to the civil service board by giving written notice of appeal to said board with a copy to the chief of the fire or police department within five (5) days from the issuance of said order; *provided further,* that if the officer or employee suspended by the chief of the fire or police department does not appeal to the civil service board within the time prescribed by this Act, and the chief of the fire or police department does not cite said officer or employee to appear before the civil service board, then at the expiration of the thirty (30) days suspension, or at the expiration of the number of days the officer or employee is suspended by the chief of the fire or police department the officer or employee shall be reinstated at the expiration of the suspension. And *provided further* such officer or employee shall receive no pay during the period of suspension if found guilty at the time of the hearing, but if said officer or employee is found not guilty or the said charges dismissed, then and in that event the said officer or employee shall be fully reinstated

Right of appeal from order of suspension.

Reinstatement at end of suspension period if no appeal filed.

Reimbursement for period of suspension if found not guilty at hearing.

and reimbursed for any loss of time he has sustained by reason of said suspension.

Right of appeal to Superior Court from decree of board.

If said officer or employee shall be found guilty by said board and punished by said board as herein provided, said officer or employee may take an appeal from the order or decree of said board to the Superior Court of Mecklenburg County and the trial upon said appeal shall be de-novo; *provided further*, that said officer or employee who may wish to appeal shall file with the secretary of the civil service board a bond in the amount of one hundred dollars ($100.00) with sufficient surety, conditioned that said officer or employee will pay the cost of such appeal in the event said cost shall be taxed against said appealing officer or employee, and *provided further*, that said officer or employee pay to the said secretary the necessary fee for entering said appeal in the Superior Court within ten (10) days after entry of such order or decree appealed from, and upon appeal the secretary of said board shall forthwith transmit to the Superior Court a complete transcript of all papers and proceedings concerning the order or decree appealed from together with the appeal bond and fee.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 533 **CHAPTER 363**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BOONVILLE IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 44, Private Laws, 1895, amended.

SECTION 1. Chapter 44 of the Private Laws of 1895 is hereby amended by adding a new Section immediately following Section 14, to be numbered Section 14½, to read as follows:

Application of general municipal law to Town of Boonville.

"SEC. 14½. Except as may be otherwise provided in this Act, all the provisions of Chapter 160 of the General Statutes of North Carolina are made applicable to the Town of Boonville in Yadkin County."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 550 **CHAPTER 364**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SILER CITY.

The General Assembly of North Carolina do enact:

Town of Siler City, corporate limits extended.

SECTION 1. That the corporate limits of the Town of Siler City, a municipal corporation located in Chatham County, North Carolina, shall be extended by annexing to the territory now within said corporate limits the area of land embraced within the following boundaries, to-wit:

Beginning at the southwest intersection, and terminal, of Ivey Avenue (formerly Wade Street) and West Fourth Street (formerly Henry Street), and running thence a southerly direction to a point in the northern line of the right-of-way of U. S. Highway #64 (formerly N. C. Highway #90) that will be in line with the western line of Ivey Avenue; thence with the northern margin of said U. S. Highway #64 an easterly direction to a point that intersects the western line of the corporate limits of said Town of Siler City, North Carolina.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 558 **CHAPTER 365**

AN ACT TO VALIDATE BONDS HERETOFORE ISSUED BY HARRIS TOWNSHIP, SANDY CREEK TOWNSHIP, CYPRESS CREEK TOWNSHIP AND GOLD MINE TOWNSHIP, ALL IN FRANKLIN COUNTY, NORTH CAROLINA, AND TO AUTHORIZE THE ISSUANCE OF REFUNDING BONDS.

Preamble: Outstanding bonds of Harris Township, Franklin County.

WHEREAS, there have heretofore been issued and there are now outstanding and unpaid bonds of Harris Township, in Franklin County, North Carolina, in the aggregate principal amount of forty-six thousand dollars ($46,000), dated June 1, 1919, bearing interest at the rate of six per centum (6%) per annum, and maturing June 1, 1949; and

WHEREAS, there have heretofore been issued and there are now outstanding and unpaid bonds of Harris Township, in Franklin County, North Carolina, in the aggregate principal amount of forty-eight thousand dollars ($48,000), dated No-

vember 1, 1920, bearing interest at the rate of six per centum (6%) per annum, and maturing November 1, 1950; and

Outstanding bonds of Sandy Creek Township.

WHEREAS, there have heretofore been issued and there are now outstanding and unpaid bonds of Sandy Creek Township, in Franklin County, North Carolina, in the aggregate principal amount of forty-eight thousand dollars ($48,000), dated June 1, 1919, bearing interest at the rate of six per centum (6%) per annum, and maturing June 1, 1949; and

Outstanding bonds of Cypress Creek Township.

WHEREAS, there have heretofore been issued and there are now outstanding and unpaid bonds of Cypress Creek Township, in Franklin County, North Carolina, in the aggregate principal amount of fifty thousand ($50,000), dated December 1, 1920, bearing interest at the rate of six per centum (6%) per annum, and maturing December 1, 1950; and

Outstanding bonds of Gold Mine Township.

WHEREAS, there have heretofore been issued and there are now outstanding and unpaid bonds of Gold Mine Township, in Franklin County, North Carolina, in the aggregate principal amount of twenty-six thousand dollars ($26,000), dated June 1, 1919, bearing interest at the rate of six per centum (6%) per annum, and maturing June 1, 1949; and

WHEREAS, there have heretofore been issued and there are now outstanding and unpaid bonds of Gold Mine Township, in Franklin County, North Carolina, in the aggregate principal amount of thirty-four thousand dollars ($34,000), dated January 1, 1921, bearing interest at the rate of six per centum (6%) per annum, and maturing January 1, 1951; and

Purpose for which bonds issued.

WHEREAS, all of said bonds were issued for the purpose of constructing and improving public roads in the respective townships, the same constituting necessary expenses of said townships: *Now, therefore,*

The General Assembly of North Carolina do enact:

Bond issues validated.

SECTION 1. That all of the bonds described in the foregoing preambles be and the same are hereby in all respects validated and confirmed and declared to constitute valid subsisting indebtedness of said townships.

Refunding bonds authorized.

SEC. 2. That the Board of Commissioners for the County of Franklin is hereby authorized and empowered to issue at one time or from time to time in accordance with the provisions of Chapter 159, Article 3 of the General Statutes of North Carolina, negotiable bonds of each of the townships mentioned in the foregoing preambles to refund all or any part of the bonds of each such township, respectively. In any year while any of such refunding bonds shall be outstanding there shall be levied upon all taxable property within the township for which the refunding bonds are issued a special tax sufficient to pay the principal of and the interest on all such refunding bonds as the

Special tax levy for payment of refunding bonds.

Approval of tax levy.

same become due and payable, which tax shall be in addition to all other taxes authorized or limited by law. The General Assembly does hereby give its special approval to the levy of said tax for said special purpose.

Powers granted herein declared supplemental.

SEC. 3. The powers granted by this Act are granted in addition to and not in substitution for existing powers.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 563 **CHAPTER 366**

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE MACHINERY ACT, THE SAME BEING CHAPTER 310 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Codification and printing of Machinery Act of 1939, as amended.

SECTION 1. The Secretary of State, with the advice of the Attorney General, shall insert in the Machinery Act of 1939, being Chapter 310 of the Public Laws of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of 1939, 1941, 1943, 1945, 1947 and 1949, and shall print in codified form 2,000 copies of said Act as amended and supplemented, which copies shall be delivered to the State Board of Assessment for distribution. This compilation and codification, when certified by the Secretary of State and the Attorney General to be a true and accurate codification of the Machinery Act of 1939 and all amendments thereto, shall be an official codification or statement of the Machinery Act of 1939 as amended through the 1949 session of the General Assembly.

Status of compilation and codification.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 570 **CHAPTER 367**

AN ACT TO SUBMIT TO THE VOTERS OF THE TOWN OF AHOSKIE, HERTFORD COUNTY, THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Town of Ahoskie, election on adoption of city manager form of government.

SECTION 1. At the regular municipal election to be held in the Town of Ahoskie, Hertford County, on Tuesday, the third of May, 1949, there shall be submitted for determination by the qualified voters of said town voting in such election the question of the adoption of the "Plan D" form of government as defined by part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, which plan provides for a mayor, a city council, and a city manager. At such election, the question submitted to the qualified voters shall be the adoption of said "Plan D" form of government for the Town of Ahoskie in lieu of its present form of government.

Issue submitted.

Conduct of election.

SEC. 2. The said election shall be called and conducted and the result thereof determined and declared by the Board of Commissioners of the Town of Ahoskie as is now provided by law for the election of the mayor and members of the board of commissioners of said town, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Mayor and Board of Commissioners of the Town of Ahoskie. At such election, ballots shall be provided for the voters containing the words "For Plan D City Government, with Mayor, Board of Commissioners and City Manager", and "Against Plan D City Government, with Mayor, Board of Commissioners and City Manager." If a majority of the votes cast in said election shall be in favor of said "Plan D" form of government, the same shall become effective and be operative in the Town of Ahoskie from and after the next succeeding first day of July and the municipal year shall begin on that date.

Form of ballots.

Effective date of new form in event of majority vote therefor.

Effect of adoption of new form upon government of town.

SEC. 3. If said "Plan D" is adopted at such election, the Government of the Town of Ahoskie and the general management and control of all its affairs shall be vested in a board of commissioners and mayor, elected as provided by the Charter of the Town of Ahoskie. Thereafter, the mayor and board of commissioners shall have and exercise all the powers and duties now or hereafter conferred upon them by the Charter of the Town of Ahoskie, the General Ordinance of the Town of Ahoskie and the provisions of the general law with reference to the powers and privileges of municipalities not inconsistent herewith. The Board of Commissioners of the Town of Ahoskie shall constitute its governing body and, in the conduct of said "Plan D" government for the Town of Ahoskie, the board of commissioners shall have and exercise all such powers and duties, not inconsistent

herewith, as are now conferred upon the board of commissioners by the Charter of the Town of Ahoskie, and its general ordinances and any amendment thereto.

Appointment of city manager.

SEC. 4. In the event said "Plan D" form of government, as amended by this Act, shall be adopted at said election, the board of commissioners shall appoint a city manager, who shall be the administrative head of the town government and who shall be responsible for the administration of all departments of the town government. He shall be appointed with regard to merit only and he need not be a resident of the Town of Ahoskie when appointed. He shall hold office during the pleasure of the board of commissioners and shall receive such compensation as it shall fix by ordinance.

Term.

Compensation.

Legislative powers of town and board of commissioners unabridged.

SEC. 5. In the event said "Plan D" form of government is adopted at such election, as amended by this Act, none of the legislative powers of the Town of Ahoskie or of its board of commissioners shall be abridged or impaired by this Act or by the adoption of said "Plan D" government for the Town of Ahoskie, and all such legislative powers shall continue to be possessed and exercised by the Board of Commissioners of the Town of Ahoskie. In addition, all ordinances, resolutions, orders, or other lawful regulations of the Town of Ahoskie or of any authorized commission, committee, body or official thereof, existing at the time said "Plan D" is adopted and becomes effective shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Existing ordinances, etc., continued in force.

Governing body of town.

SEC. 6. In the event said "Plan D" is adopted at such election, as amended by this Act, the board of commissioners shall continue to be the Governing Body of the Town of Ahoskie and the mayor and members of the board of commissioners shall be elected as now provided by the Charter of the Town of Ahoskie and any amendments thereto, and the meetings of the board of commissioners and the business of the board of commissioners shall be held and transacted in accordance with the Charter and General Ordinances of the Town of Ahoskie now in force or hereafter amended. Vacancies among any of the officials of the Town of Ahoskie, the salaries paid to any such officials, the designation and election of such officials shall all be filled, regulated and controlled in conformity with the Charter and Ordinances of the Town of Ahoskie now in force or hereafter amended, except as modified or changed by the terms of this Act.

Election of mayor and commissioners.

Meetings.

Charter and ordinances of town in force except as modified by Act.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 577 **CHAPTER 368**

AN ACT TO AMEND SECTION TWO TWENTY-EIGHT OF THE GENERAL STATUTES, SECTION ONE HUNDRED SIXTY-ONE-TEN OF THE GENERAL STATUTES, AND CHAPTER ONE HUNDRED ONE, PUBLIC LAWS 1933 RELATING TO REGISTRATION FEES FOR CHATTEL MORTGAGES AND LIENS IN BEAUFORT COUNTY, AND TO FIX THE REGISTRATION FEES FOR DEEDS AND OTHER INSTRUMENTS AFFECTING REAL ESTATE IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

G. S. 2-28, amended.

SECTION 1. That Section 2-28 of the General Statutes is hereby amended by inserting the word "Beaufort" immediately before the word "Brunswick" in line 19.

Beaufort County, fee for recording Federal crop lien or chattel mortgage.

SEC. 2. That the Register of Deeds of Beaufort County shall collect a fee of seventy-five cents (75c) for registering any lien or other instrument described in Section 2-28 of the General Statutes.

G. S. 161-10, amended as to fee for registering chattel mortgage.

SEC. 3. That Section 161-10 of the General Statutes, in its relation to Beaufort County, is hereby amended by changing the words "twenty cents" in line 15 thereof to the words "forty cents."

Ch. 101, Public Laws, 1933, amended as to fee for recording agricultural liens.

SEC. 4. That Section 1, Chapter 101, Public Laws of 1933, is hereby amended by changing the words "thirty cents" in lines 2 and 3 thereof to the words "sixty-five cents."

Fee for recording title notes.

SEC. 5. That Section 2, Chapter 101, Public Laws of 1933, is hereby amended by changing the words "twenty cents" in line 2 thereof to the words "forty cents."

Fee for recording instruments relating to real property.

SEC. 6. That for recording each warranty deed, mortgage deed, deed of trust, lease, contract or other instrument relating to real estate, the Register of Deeds of Beaufort County shall collect a fee of ninety cents (90c) for the first three hundred words thereof, and twelve and one-half cents (12½c) for each one hundred additional words or fraction thereof.

Authority of County Commissioners to regulate fees.

SEC. 7. That the Board of County Commissioners of Beaufort County may, from time to time, decrease or increase the registration fees as herein provided in such manner as said board of commissioners shall find will reasonably and fairly compensate for such services: *Provided,* that such fees shall at no time exceed the maximum fee as set out in Sections 2 through 6 of this Act.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 581 **CHAPTER 369**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF CITIES AND INCORPORATED TOWNS TO REGULATE AND REQUIRE MINIMUM STANDARDS AND SPECIFICATIONS FOR SUBDIVISIONS OF REAL PROPERTY, AND PLATS THEREOF, AND THE ESTABLISHMENT, DEDICATION, LOCATION AND DIMENSIONS OF EXISTING OR PROPOSED PUBLIC STREETS OR OTHER WAYS; TO AUTHORIZE THE ESTABLISHMENT OF A SUBDIVISION REVIEW BOARD WITH AUTHORITY TO PERMIT VARIANCES AND GRANT RELIEF FROM THE STRICT LETTER OF THE ORDINANCES IN CASES OF UNDUE HARDSHIP OR PRACTICAL DIFFICULTIES; TO SET UP THE PROCEDURE FOR APPEAL FROM RULINGS UPON SUCH ORDINANCES; TO PROVIDE THE REMEDIES AND PENALTIES; AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Purpose of Act.

SECTION 1. For the purpose of promoting the health, safety, morals, convenience, economy, and general welfare of the community; the well ordered establishment and growth of a system of public streets, alleys, and thoroughfares; the more convenient transportation and access by means of streets, avenues, alleys, and public ways in the city and its environs; the quicker and more effective use of the street system in the fighting of fires and extension of police protection; the prevention of the over crowding of lands with buildings with resulting increase of density of population within a small area; to require the reasonable separation of buildings from each other for such distances as may be required to lessen the danger of spreading conflagration; to facilitate the proper laying, maintaining and operating of water mains and sewer mains and the installation and maintenance of other public utilities so as to serve the residents and commercial houses and manufacturing plants of the city in a more economical, practical, orderly and efficient manner; and for other general welfare, health and safety purposes, the governing body of cities and incorporated towns is hereby authorized and fully empowered to regulate the establishment, dedication, location and dimensions of any proposed public street, alley, or other public way, and the subdivision, rearrangement, or platting of the boundaries of lots or parcels of real property

Municipal regulation of establishment of public streets and the subdivision of properties.

when any such real property is located in whole or in part upon any existing or proposed public street, alley, avenue, boulevard, or other public way within the corporate limits of such municipality or within one mile outside such corporate limits, upon or through or by means of which existing or proposed public street, alley, avenue, boulevard or other public way the municipal corporation now provides, or may in the future provide either grading, paving, curbs, gutters, drainage, public sewer or water facilities, street lighting, police and fire protection, or any other municipal service or facility.

Adoption of ordinances establishing standards and requirements.

SEC. 2. Such governing body is authorized and empowered to adopt ordinances setting up and establishing standards and requirements with which all subdivisions and rearrangements of the boundaries of the land and maps and plats thereof thereafter made shall comply; and adopt ordinances setting up and establishing standards and requirements for the location, dedication, and dimensions of all proposed streets, alleys and other public ways, and such other matters as affect or will affect the public convenience, safety and general welfare. In adopting ordinances fixing standards and requirements the governing body is hereby specifically authorized and empowered to include any or all of the following provisions, namely: Adopt a plan of major thoroughfares and collector streets and require that all new streets or enlarged streets shall conform to the same where such plan is applicable, both as to location and width; to provide for the minimum width of alleys, avenues, neighborhood streets, collector streets, and major thoroughfares; to require the dedication of alleys and determine minimum width thereof, which requirement may vary as between residential and business property, as between property fronting on major thoroughfares and that not fronting on such thoroughfares, and as between blocks in which the lots are small and blocks in which lots are larger, and in such other cases and circumstances as the governing body may find to be in promotion of the public safety, convenience and welfare; to require dedication of easements in the rear of lots, or in such other parts of such lots as may be more appropriately applicable in any given case, for the location of poles, wires, conduits, storm or sanitary sewers, gas, telephone and water lines, or other public and quasi-public utilities, due consideration of all factors so as to work the least practical hardship or difficulty upon the lot or the owners thereof to be considered in locating the said easements upon said lots; to provide for the minimum and maximum length and width of blocks of land between intersecting streets; to provide that the lot side lines shall be radial to the street line; to require that the lines and frontages of buildings on corner lots shall be such as to prevent the rear of the building on a corner lot from protruding beyond the building setback line of the building fronting on a street which constitutes a side of such corner lot; to regulate and prescribe the arc and radius and layout of

Specific ordinances authorized.

Master plan for public ways.

Minimum width of alleys, etc.

Dedication of easements for public utility equipment.

Regulation of size of lots and location of property lines.

property lines at all intersecting streets, having regard for traffic hazards, congestion and other pertinent factors involved; to regulate and prescribe conditions and safeguards under which dead end streets and culs de sac may be authorized; to prohibit street offsets at intersections or permit such street offsets under conditions which may be prescribed; to establish building setback lines and when established to require that they be properly shown and designated on the map or plats of such subdivisions of said property; to regulate and prescribe conditions under which reserve strips in subdivisions or shown on plats thereof controlling access to public ways may be used or set apart; to provide for the naming of public streets and other public ways; to require that permanent monuments of stone or concrete of dimensions which may be prescribed be set at all block corners and at all corners in the exterior boundary of any subdivision and that the location thereof be clearly set forth and designated on the final approved plat, and to provide that all lot corners be staked by metal stakes or other approved stakes; to require that street lines deflecting from each other within a block be connected by a curve, the radius of which shall be determined after considering the factors of sight distance, the type and importance of street, anticipated traffic volume, and convenience of traffic movement; to require that the arrangement and location of streets and other ways in new subdivisions shall make provision for continuation of the principal existing streets and other ways in adjoining subdivisions, or their proper projection when adjoining property is not subdivided; to require that a preliminary plat shall be furnished the planning department or other department designated by the governing body for preliminary checking to determine whether said preliminary plat is in compliance with the ordinances and requirements established by the governing body; to provide that a final plat be prepared and submitted and contain compliance with all of the provisions of the ordinances and be so marked on its face before the same may be filed for record; to provide that no street shall be accepted or maintained by the municipality, nor shall any public utility such as water, sewer, or street lighting be extended to or connected with any subdivision of land, nor shall any permit be issued by any administrative official or department of the municipality for the construction of any building or improvement requiring a permit, upon any land concerning which a plat may be required by such ordinance until the requirements of such ordinance have been complied with; and to provide such other details as may be found, in the legislative discretion of said governing body, to have a substantial relation to the public convenience, health, safety, or welfare; to require that such plat or map be finally approved as being in compliance with the ordinances adopted by said governing body before such map or plat of such subdivision shall be entitled to be filed or recorded in the office of the register of deeds of the county in which the lands are situate and to require that

Establish building setback lines.

Naming of public ways.

Permanent marking of subdivision boundaries.

Location of streets in new subdivisions.

Submission of preliminary plats.

Approval of final plat.

Municipal services withheld until requirements complied with.

Approval and recording of subdivision maps or plats.

all such approved plats and maps of subdivisions of real estate be recorded or filed in the office of the register of deeds of the county in which such lands are situate; to provide that the violation of the provisions of such ordinances shall subject the person violating the same, including the surveyor, to penalties, upon conviction, not exceeding a fine of fifty and no/100 ($50.00) dollars. The enumeration of the above mentioned circumstances and things shall not be exclusive.

Penalty for violating ordinances.

SEC. 3. Such governing body may provide for the appointment of a board to be known as a subdivision review board consisting of not less than three nor more than five members who shall serve without pay as such members, each of whom shall be appointed by the said governing body for a term of years or for a term at the will of the governing body, as may be determined by such governing body; in the event the governing body appoints such board for a term of years, the term of office of each member shall be three years. Such subdivision review board shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of any ordinance adopted pursuant to this Act. It shall also hear and decide all matters referred to it or upon which it is required to pass under any such ordinance. The affirmative vote of a majority of members of said board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or to effect any variation in any of the provisions of such ordinance. Every decision of such board shall, however, be subject to review by proceedings in the nature of certiorari. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality. Such appeal shall be taken within such time as shall be prescribed by the subdivision review board by general rule, by filing with the officer from whom the appeal is taken and with the subdivision review board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. An appeal from the administrative official to the subdivision review board stays all proceedings in furtherance of the action appealed from until the decision of the said subdivision review board is rendered, at which time the stay of proceedings shall cease, unless the proceedings shall be further stayed by a restraining order granted by a court of record or by the subdivision review board. The subdivision review board shall fix a reasonable time for the hearing of the appeal from the administrative official and shall give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

Appointment of subdivision review board authorized.

Duties and functions of board.

Affirmative vote of majority of members necessary to decide issue.

Decisions of board subject to review.

Procedure governing appeals from decision of board.

Hearing of appeal by subdivision review board.

Action by subdivision review board.

The subdivision review board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, action or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all of the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the subdivision review board shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinance relating to subdivisions, plats, maps, and all other requirements of the ordinance, in harmony with the general purpose and intent of this Act, so that the spirit of the ordinance may be observed, public safety, convenience, and welfare secured and substantial justice done.

Proceedings to restrain violation.

SEC. 4. In case any person, firm, or corporation shall violate any of the provisions of any ordinance which may be adopted by such governing body under the authority of this Act, or is about to violate such provision, the municipal corporation, in addition to other remedies, may institute any appropriate action or proceedings in its name in the Superior Court to prevent and restrain such unlawful act or violation or the continuance thereof.

Delegation of police powers of the State.

SEC. 5. This Act is enacted in the exercise of the police power of the State of North Carolina, and the power and authority hereby delegated to the governing body of cities and incorporated towns to adopt ordinances and to require compliance with such ordinances, including the dedication of alleys and easements for utilities as authorized, shall be deemed to be an exercise by the municipality of the police powers delegated to it, and shall not be deemed to be an exercise of the power of eminent domain which may be possessed by such municipality.

Partial invalidity section.

SEC. 6. It is the legislative intent that if any portion, clause, or sentence of this Act shall be deemed to be invalid or unconstitutional, such declaration of invalidity shall not affect the remaining portions of this Act, which would have been passed notwithstanding the invalidity of such portions which may be declared invalid.

Conflicting laws repealed.

SEC. 7. All laws in conflict herewith are hereby repealed.

Application of Act.

SEC. 8. This Act shall apply only to the Cities of Durham and Reidsville.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

H. B. 602 **CHAPTER 370**

AN ACT TO REWRITE SUBSECTION (k) OF SECTION 106-134 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO DRUG CONTROL UNDER THE NORTH CAROLINA FOOD, DRUG AND COSMETIC ACT.

Preamble: Purpose of G. S. 106-134 (k) as to sale of dangerous drugs.

WHEREAS, it was the purpose and intention of the General Assembly of North Carolina, under Subsection (k) of Section 106-134, of the General Statutes, to protect the public by surrounding the sale and administering of dangerous drugs with certain safeguards; and

New derivatives of drugs not specifically named in law.

WHEREAS, because of the development of new derivatives of these dangerous drugs since the law was written, which new derivatives are not specifically named in the law, but which have largely displaced the older ones which are specifically named in the law; and, because of opinion by the Attorney General of the State to the effect that the old terminology of the law cannot be interpreted to cover the new derivatives, the protection of Subsection (k) of Section 106-134 of the law has been largely restricted and nullified; therefore, in order to restore the protection that was the intent and purpose of the law, it becomes necessary that Subsection (k) be rewritten so as to include newly developed dangerous drugs and their derivatives: *Now, therefore,*

Intended protection not afforded.

Necessary to include new drugs and their derivatives to insure intended protection.

The General Assembly of North Carolina do enact:

G. S. 106-134, N. C. Food, Drug and Cosmetic Act, amended.

SECTION 1. Amend Subsection (k) of Section 106-134 of the General Statutes by rewriting said Subsection (k) so that the same hereafter shall read as follows:

Drugs deemed misbranded.

"(k) If (1) it is a drug sold at retail and contains any quantity of amidopyrine, barbituric acid, cinchophen, dinitrophenol, sulfanilamide, pituitary, thyroid, or their derivatives, or (2) it is a drug or device sold at retail and its label bears a statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist or veterinarian; unless it is sold on a written prescription signed by a member of the medical, dental, or veterinary profession who is licensed by law to administer such drug or device, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession. Such prescription shall not be refilled except on the specific authorization of the prescribing physician, dentist or veterinarian.

Nothing in Subsection (k) shall apply to a compound, mixture, or preparation containing salts or derivatives of barbituric acid which is sold in good faith for the purpose for which it is intended and not for the purpose of evading the provisions of this Act if

(1) Such compound, mixture, or preparation contains a sufficient quantity of another drug or drugs, in addition to such salts or derivatives, to cause it to produce an action other than its hypnotic or somnifacient action; or

(2) Such compound, mixture, or preparation is intended for use as a spray or gargle or for external application and contains, in addition to such salts or derivatives, some other drug or drugs rendering it unfit for internal administration."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after June 30th, 1949.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 11 CHAPTER 371

AN ACT TO AMEND G. S. 153-77 SO AS TO AUTHORIZE THE CONSTRUCTION OF ADDITIONAL SCHOOL FACILITIES.

The General Assembly of North Carolina do enact:

G. S. 153-77, County Finance Act, amended, as to bond issues for school plant facilities.

SECTION 1. G. S. 153-77 is hereby amended by rewriting Subsection (a) to read as follows:

"(a) Erection and purchase of schoolhouses, school garages, physical education and vocational education buildings, teacherages, lunchrooms, homes for county superintendents of public instruction, and other similar school plant facilities."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Act applicable only to Halifax County.

SEC. 3. This Act shall apply only to Halifax County.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 73 **CHAPTER 372**

AN ACT TO INCREASE THE MEMBERSHIP OF THE STATE BANKING COMMISSION TO NINE MEMBERS AND PROVIDE FOR THE APPOINTMENT OF THE ADDITIONAL MEMBERS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 53-92 is hereby amended by striking out the second paragraph thereof and rewriting the same to read as follows: G. S. 53-92, amended.

"The State Banking Commission, which has heretofore been created, shall hereafter consist of the State Treasurer and the Attorney General, who shall serve as ex officio members thereof, and seven members who shall be appointed by the Governor. Four members of the said commission shall be practical bankers and the remainder of the membership of said commission shall be selected so as to fairly represent the business, manufacturing, farming and dairying interests of the State. The present memberhip of said Banking Commission shall continue until the first day of April, 1951, and the Governor shall appoint the two additional members thereof to serve until said time. Thereafter, three of the members of said commission shall be appointed for terms of two years and four of the members of said commission shall be appointed for terms of four years, and thereafter all members of said commission who are appointed by the Governor shall be appointed for terms of four years. The appointive members of said commission shall receive as compensation for their services the same per diem and expenses as is paid to the members of the Advisory Budget Commission, which compensation shall be paid from the fees collected from the examination of banks, as provided by law." State Banking Commission, membership. Terms of office. Compensation of appointive members.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective immediately upon ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 89

CHAPTER 373

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES AS THE SAME RELATES TO MOTOR VEHICLE OPERATOR'S LICENSES.

The General Assembly of North Carolina do enact:

G. S. 20-16, Uniform Driver's License Act, amended.

SECTION 1. Amend Section 20-16 of the General Statutes, 1947 Cumulative Supplement, by inserting therein a new Subsection, to be designated Subsection (b), to follow immediately Subsection (a), and to read as follows:

Suspension of license pending appeal, prohibited.

"(b) Pending an appeal from a conviction of any violation of the motor vehicle laws of this State, no driver's or chauffeur's license shall be suspended by the Department of Motor Vehicles because of such conviction or because of evidence of the commission of the offense for which the conviction has been had."

SEC. 2. Redesignate Subsection (b) of Section 20-16 of the General Statutes as Subsection (c).

G. S. 20-24, as to suspension of license pending appeal, amended.

SEC. 3. Repeal Subsection (d) of Section 20-24 of the General Statutes.

SEC. 4. Redesignate Subsection (e) of Section 20-24 of the General Statutes as Subsection (d).

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 193

CHAPTER 374

AN ACT TO MAKE IT UNLAWFUL TO OPERATE OR CONDUCT MOTOR VEHICLE RACES IN IREDELL COUNTY ON SUNDAYS.

The General Assembly of North Carolina do enact:

Iredell County, motor vehicle races on Sunday prohibited.

SECTION 1. That it shall be unlawful for any person, firm or corporation, on the Sabbath Day, generally known as the Lord's Day, to operate or be in any manner interested in or participate in the operation of any race track or other place at which the racing of motor vehicles, including racing cars, stock cars, motorcycles or other types of motor vehicles, is carried on in Iredell County. Any person violating the provisions of this Act shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.

Violations made misdemeanor.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 215

CHAPTER 375

AN ACT TO AUTHORIZE THE CITY OF MOCKSVILLE TO LEASE CERTAIN PROPERTY KNOWN AS RICH PARK TO THE DAVIE MEMORIAL ASSOCIATION, INC.

Preamble: Devise of tract of land, Rich Park, to City of Mocksville.

WHEREAS, by the last will and testament of the late Thomas W. Rich, the City of Mocksville, North Carolina, was devised in fee simple all that certain tract or parcel of land situated in the City of Mocksville and known as Rich Park, to be used by said city for any purpose or purposes that the commissioners thereof may elect; and

Development as public park or recreation center desired.

WHEREAS, it is the sense of the Commissioners of the City of Mocksville that the premises so devised should be developed and maintained as a public park or recreation center for the benefit of the youth of Mocksville and Davie County, in keeping with the original design and plan of the devisor, and

Restricted revenues delay development, etc.

WHEREAS, by reason of limited and restricted public revenues, the City of Mocksville, acting through its duly elected board of commissioners, has been and is now financially unable to improve, develop and maintain the said Rich Park as a public park or playground; and

Sum expended by Davie Memorial Association, Inc., in improvement of premises.

WHEREAS, Davie Memorial Association, Inc., a local non-profit corporation, duly organized and existing for the main purpose of fostering and promoting outdoor sports for the physical, moral and mental advancement of the young people of Mocksville and Davie County, has voluntarily, and with the consent and approval of the commissioners of said city, expended a sum of money in excess of eight thousand dollars ($8,000.00) at said Rich Park in the construction of an athletic field and the erection of a grandstand, and has otherwise contributed generously to the permanent improvement of the premises; and

Proposal of Association to lease park.

WHEREAS, the said Davie Memorial Association, Inc., in furtherance of its objects, now proposes to lease said Rich Park from the City of Mocksville for a term not in excess of twenty-five (25) years and at a nominal annual rental to the end that it may have and hold supervision and control over the same, and accordingly expand and enlarge its field of usefulness to the community; and

Best interest to lease property to Association.

WHEREAS, in the judgment of the Commissioners of the City of Mocksville, North Carolina, it would be to the best interests of the citizens and taxpayers and all other persons affected thereby to lease said premises to Davie Memorial Association, Inc., for the term and for the purposes aforesaid; and

Contract or lease should have approval of General Assembly.

WHEREAS, it is deemed advisable that any contract or lease entered into between the said commissioners and Davie Memorial Association, Inc., for the rental of said premises should bear the sanction of the General Assembly of North Carolina: *Now, therefore,*

The General Assembly of North Carolina do enact:

Lease of Rich Park to Davie Memorial Association, Inc., authorized.

Term of lease.

SECTION 1. The Governing Body of the City of Mocksville is hereby authorized and empowered, in its discretion, to lease the property known as Rich Park, and described in the preamble to this Act, to the Davie Memorial Association, Inc., for a term not in excess of twenty-five (25) years in consideration of moneys heretofore expended, and hereafter to be expended, on the improvement of such property and in further consideration of such nominal rent as may be agreed upon, and subject to such other terms or conditions as said governing body, in its discretion, may impose in such lease.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 225 CHAPTER 376

AN ACT TO AUTHORIZE TWO MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF MADISON TO SERVE ON THE RECREATION BOARD OR COMMISSION AND TO AMEND SECTION 160-161 OF THE GENERAL STATUTES IF SAID SECTION IS APPLICABLE TO SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Madison, ex-officio members of recreation commission.

SECTION 1. In the Town of Madison, two members of the board of aldermen, to be selected by said board, shall be ex officio members of the recreation board or commission.

Conflicting laws repealed or amended.

SEC. 2. Section 160-161, to the extent it is in conflict with this Act and all other laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 230 CHAPTER 377

AN ACT TO AUTHORIZE DISCRETIONARY INCREASES IN THE COMPENSATION OF CERTAIN OFFICIALS OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

City of Concord, maximum salaries of certain officials.

SECTION 1. Irrespective of any charter provisions of Public-Local or Special Acts heretofore enacted, the Mayor of the City of Concord shall receive an annual salary not exceeding one thousand dollars ($1000.00); the members of the board of aldermen shall receive annual salaries not exceeding two hundred dollars ($200.00) each; the chairman of the street commission shall receive an annual salary not exceeding five hundred dollars ($500.00); the chairman of the board of light and water commissioners shall receive an annual salary not exceeding three hundred dollars ($300.00); and the other members of the board of light and water commissioners shall receive annual salaries not exceeding two hundred dollars ($200.00) each. All of the salaries provided for above shall be fixed and determined by the Board of Aldermen of the City of Concord as to amounts, within the specified limitations, and as to dates of payment.

Determination of salaries.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after the first day of July, 1949.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. B. 5 **CHAPTER 378**

AN ACT TO AMEND ARTICLE 18 OF CHAPTER 143 OF THE GENERAL STATUTES, REQUIRING RULES AND REGULATIONS OF CERTAIN STATE AGENCIES AND ADMINISTRATIVE BOARDS TO BE SUBMITTED BIENNIALLY TO THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

G. S., Ch. 143, amended.

SECTION 1. Article 18 of Chapter 143 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 143-198, to be numbered G. S. 143-198.1, to read as follows:

G. S. 143-198.1, enacted.

State agencies and boards to file copy of certain administrative rules with clerks of Superior Courts.

"G. S. 143-198.1. In addition to the requirements hereinbefore made in this Article, every agency and administrative board of the State of North Carolina created by statute and authorized to exercise regulatory, administrative, or quasi-judicial functions, shall within ninety days of the ratification of this Act file with the Clerk of the Superior Court of each county in North Carolina, a certified indexed copy of all general administrative rules and regulations or rules of practice and procedure, the violation of which would constitute a crime, formulated or adopted by such agency or administrative board for the performance of its functions or for the exercise of its authority, and shall also mail to each member of the General Assembly of 1949 a similar certified indexed copy.

Copy to members of General Assembly.

Copy of additional or amendatory rules.

"SEC. 2. In addition to the original statement filed with each Clerk of the Superior Court, as required herein, each such agency or board shall, within fifteen days of the adoption of any additional or amendatory rule or regulation, file with each Clerk of the Superior Court a certified indexed copy of such new or amendatory rule or regulation.

C. S. C.'s to file as official records.

"SEC. 3. The Clerk of the Superior Court of each county shall file as part of the records of his office all such rules and regulations."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

S. B. 216 CHAPTER 379

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED, EXCEPT TAXES LEVIED FOR SCHOOL PURPOSES FOR THE YEAR 1943, AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Cherokee County, certain delinquent tax collections payable to general fund.

SECTION 1. That the Board of County Commissioners of Cherokee County be, and it is hereby, authorized and empowered, in its discretion, to turn into the general fund of the county the proceeds of all uncollected taxes which may hereafter be collected for the year 1943, and all prior years: *Provided, however*, that all of the taxes levied for said years for school purposes shall be paid over to the Board of Education of Cherokee County and, in its discretion, placed in the current expense or general fund of said board of education.

Disposition of taxes levied for school purposes.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

S. B. 227 CHAPTER 380

AN ACT TO AUTHORIZE THE COUNTY OF WAKE AND THE CITY OF RALEIGH TO PROVIDE FOR THE CONSOLIDATION OF TAX LISTING AND TAX COLLECTION FUNCTIONS OF THE COUNTY AND CITY.

The General Assembly of North Carolina do enact:

Consolidation of functions of listing and collection of taxes, Wake County and City of Raleigh.

SECTION 1. For the purpose of effecting economy and efficiency by eliminating a duplicity of effort and expense and for the purpose of promoting greater convenience to citizens and tax payers of the City of Raleigh and the County of Wake, full power and authority is hereby granted to the County of Wake and to the City of Raleigh and to their respective governing bodies to enter into contracts and to take such other necessary and proper action pursuant to this Act for the consolidation of any or all of the respective functions of the County of Wake and the City of Raleigh in listing, supervising and collecting taxes and assessments levied by Wake County and by the City of Raleigh, respectively, and to provide for the appointment, compensation, and supervision of such officials and such clerks and assistants as may be deemed necessary to perform any or

all of the functions and duties of listing, supervising and collecting of the taxes and assessments of the said county and city, in accordance with the provisions of this Act.

Contracts for the listing, supervision and collection of taxes.

SEC. 2. The County of Wake and the City of Raleigh are hereby authorized and empowered to enter into a contract or contracts each with the other for the purpose of providing for and effecting any one or all of the following: (a) for the listing, supervision or collection of any or all taxes and assessments levied by Wake County and by the City of Raleigh, to be performed by Wake County under such financial arrangement as may be agreed upon between the respective governing bodies of Wake County and the City of Raleigh; (b) for the listing, supervision or collection of any or all taxes and assessments levied by Wake County and by the City of Raleigh, to be performed by a consolidated agency or agencies which may be established by contract and governed and controlled by the governing boards of Wake County and the City of Raleigh in accordance with the terms and conditions of any such contract as may be agreed upon pursuant to this Act.

County-city tax supervisors, listers and collectors.

SEC. 3. In the event any such contract shall provide for the listing, supervision or collection of taxes levied by the City of Raleigh to be listed, supervised or collected by any department or official of the County of Wake, or by any consolidated department or agency of, or official or officials acting for, both the said city and county, such officials shall be known as the county-city tax supervisor, the county-city tax listers, and the county-city tax collector, as the case may be; and all powers, duties and functions vested in or imposed upon any official of said city or of the said county with respect to the listing, supervision or collection of taxes, by any applicable law, shall become vested in and imposed upon any such county-city official or officials provided for by any contract made pursuant to the provisions of this Act.

Powers and duties.

Contracts to be authorized by resolution of governing bodies of county and city.

SEC. 4. The power and authority conferred by this Act shall be exercised only by written contract by and between the County of Wake and the City of Raleigh, authorized and approved by a resolution duly adopted by a majority vote of all the members of the governing body of the County of Wake and by a resolution duly adopted by a majority vote of all of the members of the governing body of the City of Raleigh. The contract, which must be embodied in the resolution adopted by each of the said governing bodies, respectively, may be enlarged, diminished, or altered from time to time, but only by an agreement in writing duly authorized by resolution adopted by a majority vote of the members of the respective governing bodies. All such contracts shall be acknowledged and probated in accordance with the laws of this State providing for the acknowledgment and probate of deeds of conveyance and shall be recorded in the office of the Register of Deeds of Wake County.

Acknowledgment and probate of contracts.

Registration of contract.

Provisions of contract.

SEC. 5. The contract shall prescribe the plan of consolidation agreed upon and, among other things, shall provide for (a) the time when it shall become effective, (b) the respective financial obligations of Wake County and the City of Raleigh with respect thereto, (c) records showing separately the amount of county taxes assessed and collected and the amount of city taxes assessed and collected, (d) separate surety bonds to be given by the county-city tax collector and such of his assistants, deputies, and clerks as may be deemed necessary to insure the faithful performance of his or their duties and for the faithful accounting to Wake County and the City of Raleigh, respectively, of taxes collected, and (e) such other arrangements, procedure and details as may be deemed necessary, requisite or proper for the expeditious discharge of all duties, obligations, powers and rights now or hereafter imposed upon or granted to either the Tax Collector of Wake County or the Tax Collector of the City of Raleigh.

Powers and authority of county-city tax collector.

SEC. 6. In the event that the County of Wake and the City of Raleigh enter into a contract in accordance with the terms and provisions of this Act establishing the county-city tax collector, and providing for the consolidation of the tax collecting functions of the City of Raleigh and the County of Wake, the county-city tax collector shall have all the powers and authority, all the duties and obligations, and be subject to all the pains and penalties which are now conferred, owed or imposed, or which may hereafter be conferred, owed or imposed upon the Tax Collector of Wake County with respect to county taxes and upon the Tax Collector of the City of Raleigh with respect to city taxes, and upon sheriffs, or other tax collectors respecting the collection and remittance of either county or city taxes to the proper authorities. This Act shall in no way diminish the taxing power of Wake County or the City of Raleigh, nor diminish the rights and remedies now existing or hereafter provided for the collection of past due, current or future taxes. Any act or thing which the Tax Collector of Wake County might lawfully do with respect to county taxes and any act or thing which the Tax Collector of the City of Raleigh might lawfully do with respect to city taxes may be done by the county-city tax collector with respect to either or both taxes. Express authority is hereby granted to the county-city tax collector to combine, where practicable, all steps in the procedure of collecting county taxes and city taxes, including specifically the sending of combined county and city tax bills or notices, advertising tax liens and property for sale for delinquent taxes, selling property for delinquent taxes, jointly garnisheeing or otherwise subjecting property by legal process for the payment of county and city taxes; *provided, however*, that all such combined actions shall clearly show separately the amount of taxes due to or collected for Wake County and for the City of Raleigh; and *provided, further*, where partial payments are made by any tax-

Taxing power of units unaffected.

Express authority granted to the county-city tax collector.

Separate accounting for county and city taxes.

Application of partial payments.

payer insufficient to pay in full both city and county taxes for any particular year, said payments shall be divided between the City of Raleigh and Wake County in proportion that the tax rate bears to each other.

Provision for termination of contract.

SEC. 7. Any contract providing for the consolidation of the tax listing, tax supervision or tax collecting functions of the City of Raleigh and the County of Wake, authorized and executed pursuant to the powers conferred by this Act, may be terminated at any time by either the City of Raleigh or the County of Wake upon written notice of the intention to terminate the contract given to the other party to the contract at least ninety days prior to the expiration of the fiscal year in which the resolution directing such termination is adopted, such termination to be effective at the end of said fiscal year; *provided,* that such notice to terminate any such contract shall have been authorized by resolution duly adopted by a majority vote of the governing board of either the said county or said city, as the case may be; *provided, further,* that on and after any such termination date, the said county and the said city shall each handle the listing, supervision and collection of its taxes separately.

Written notice.

Notice to terminate to be authorized by resolution.

Appropriations for operating expenses of consolidated agency.

SEC. 8. When any contract entered into under the provisions of this Act shall provide for the consolidation of the performance of any of the functions authorized by this Act, by a consolidated agency, the County of Wake and the City of Raleigh are each hereby fully authorized and empowered to make appropriations out of general funds for the purpose of defraying the necessary costs and expenses of operating such agency, the relative proportion of such costs and expenses to be agreed upon as a part of the contract. When any contract shall provide for the performance of any of the functions to be done by the County of Wake for the City of Raleigh, then such amounts as may be agreed upon as compensation and costs for the performance of such function by Wake County shall be paid by the City of Raleigh, and appropriations from general funds for such purpose are hereby fully authorized and directed.

Appropriation by city to county for tax collecting duties performed by county.

Execution of contract; period of existence.

SEC. 9. Any contract entered into in accordance with the provisions of this Act shall be in the name of the county and the municipality involved and shall be binding upon the subsequent governing bodies of the respective parties to the contract, and shall continue in effect and operation until such contract shall expire in accordance with express provisions of the contract or until terminated by a majority vote of the respective governing boards of both parties to the contract or by written notice by either of said governing bodies to the other as herein provided for. Any subsequent agreement or notice terminating any contract shall be recorded in the office of the Register of Deeds of Wake County and a notice of such termination shall be published once in a newspaper published in Wake County.

Registration and publication of notice of termination.

Rules and regulations for operation of consolidated agency.

SEC. 10. In the event a consolidated agency is established under the provisions of this Act, the respective governing bodies of Wake County and the City of Raleigh shall have full power and authority and are hereby directed to adopt, amend or revise such rules and regulations as may be necessary and desirable for the operation of such consolidated agency, and all acts performed by such consolidated agency in accordance with such rules and regulations and with the provisions of the contract establishing such agency shall be binding and valid as if performed by the county or municipality, as the case may be.

Miscellaneous provisions of contract.

SEC. 11. Any contract entered into under the provisions of this Act may contain such provisions requiring bonds, audits, reports, statements, accountings, oaths, and any other requirements incident to the functions to be performed under the contract, as the county or the city is otherwise authorized, empowered or directed by law to require.

Partial invalidity section.

SEC. 12. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Conflicting laws repealed.

SEC. 13. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Application of Act.

SEC. 14. The provisions of this Act shall be applicable only to the City of Raleigh and to the County of Wake.

SEC. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

S. B. 238 CHAPTER 381

AN ACT TO PERMIT GUILFORD COUNTY TO REVALUE ITS REAL AND PERSONAL PROPERTY AT ANY TIME DURING THE YEARS 1949, 1950, AND 1951, AND FIXING THE TIME FOR PREPAYMENT IN SAID COUNTY AND THE RATES OF DISCOUNT.

The General Assembly of North Carolina do enact:

Guilford County, revaluation of property for taxation.

SECTION 1. That the Board of County Commissioners of Guilford County are hereby authorized and empowered in their discretion to cause to be made a complete revaluation for the purpose of taxation of the real and/or personal property of Guilford

County at any time during the years 1949, 1950 and 1951; and on January 1st next after said revaluation has been completed, confirmed and adopted by the board of county commissioners of said county the values determined and fixed by said revaluation shall be the values of said property for the purposes of taxation. The value of the real property as determined by the said revaluation shall be the taxable value until another revaluation is made, subject however to changes in accordance with the provisions of Section 105-279 of the General Statutes of North Carolina. The value of the personal property fixed by said revaluation shall be subject to change as now provided by law. The board of commissioners shall have full power and authority to hear complaints concerning values of property, and to modify the report of the assessors before adopting or confirming the revaluation.

Procedure for revaluation.

SEC. 2. That the revaluation provided for in Section 1 of this Act shall be made as follows: Thirty days (30) or more before the revaluation shall begin to be made, said commissioners shall appoint one or more assessors for and from each township in the county hereinafter called township assessors; they shall also appoint three or more assessors who shall function throughout the entire county and hereinafter called general assessors; and said general assessors need not be citizens of Guilford County; the property of each township shall be valued as required by law, by the township assessor or assessors and the general assessors acting together and said valuation is subject to modification by the board of county commissioners and shall not be effective until confirmed and adopted by said board.

Prepayment of taxes.

SEC. 3. That in Guilford County the county commissioners of said county are authorized and empowered to fix the beginning date for the prepayment of taxes in said county; but said date shall not be later than Tuesday after the first Monday in July.

Discounts for prepayments.

The discount for prepayment shall be as follows: If the taxes are paid before August 1st a deduction of 2% shall be made; if the taxes are paid during the month of August, a deduction of 1½% shall be made; and if the taxes are paid in the month of September, a deduction of 1% shall be made.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 348 **CHAPTER 382**

AN ACT TO AMEND G. S. 136-71 SO AS TO PERMIT CHURCHES OR OTHER PLACES OF PUBLIC WORSHIP TO OBTAIN EASEMENTS OR RIGHT OF WAYS FOR ELECTRIC LIGHT, POWER, TELEPHONE, SEWER OR WATER LINES.

The General Assembly of North Carolina do enact:

G. S. 136-71, amended to permit churches to obtain easements or right of ways for public utility equipment.

SECTION 1. G. S. 136-71 is amended by inserting after the words "necessary roads" in the first line of said Section and before the words "leading to any church" the following:

"Or easements and right of ways for electric light lines, power lines, water lines, sewage lines, and telephone lines".

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 503 **CHAPTER 383**

AN ACT TO AMEND SECTION 115-46 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

G. S. 115-46, amended as to compensation of members of board of education, Mecklenburg County.

SECTION 1. That Section 115-46 of the General Statutes of North Carolina of 1943 be and the same is hereby amended by adding at the end of the said Section the following words: "*Provided* that in Mecklenburg County the board of education may fix the compensation of each member at not to exceed $10.00 per diem and five cents a mile to and from the place of meeting."

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 522 **CHAPTER 384**

AN ACT TO REQUIRE THE CASWELL COUNTY BOARD OF EDUCATION TO PUBLISH QUARTERLY REPORTS.

The General Assembly of North Carolina do enact:

Caswell County Board of Education, quarterly reports of expenditures.

SECTION 1. The County Board of Education of Caswell County is hereby required and directed, during the months of January, April, July and October of each year, to post at the courthouse door, and to publish once in some newspaper published in Caswell County, a report or statement showing all expenditures made or approved by such board during the three calendar months preceding the month in which such report is posted and published.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 548 **CHAPTER 385**

AN ACT RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Purpose of Act: Code for schools of Greensboro City Administrative Unit.

SECTION 1. Purpose of Act. The purpose of this Act is to enact a code for the schools of the Greensboro City Administrative Unit, to consist of such existing Public-Local Laws relating to the schools as are designated herein, together with such modifications and additional provisions as are hereinafter set out.

Title: Greensboro Public School Code.

SEC. 2. Title. The title of the code provided by this Act is the Greensboro Public School Code. As used in this Act the word "code", unless a different meaning is indicated by the context, means the Greensboro Public School Code.

Designation of Public-Local Laws included in code.

SEC. 3. Designation of Public-Local Laws included. The designated portions of the Public-Local Laws hereinafter referred to in this Section, with such amendments thereto as are hereinafter set out, constitute portions of the code as indicated:

(1) Sections 2 to 8, both inclusive, of House Bill No. 40, ratified the last day of February, 1949, are hereby renumbered in numerical order as Sections 9.1 to 9.7, both inclusive, of the code, and are hereby amended to read as set out in such renumbered Sections as they appear hereinafter in the code.

(2) Sections 1 to 4, both inclusive, of Senate Bill No. 6, ratified the third day of February, 1949, are hereby renumbered in numerical order as Sections 12.1 to 12.4, both inclusive, of the code, and are hereto amended to read as set out in such renumbered Sections as they appear hereinafter in the code.

SEC. 4. The Code. The Greensboro Public School Code is as follows: Greensboro Public School Code.

GREENSBORO PUBLIC SCHOOL CODE.

General provisions.

Art. 1. General Provisions.

Section 1.1. Definitions. As used herein— Definitions.

(a) "Board", unless a different meaning is indicated by the context, means the governing body of the Greensboro City Administrative Unit.

(b) "District" and "school district" mean the Greensboro City Administrative Unit.

(c) "Greensboro public schools" and "schools" mean the public school system operated in the Greensboro City Administrative Unit.

SEC. 1.2. Area comprised in district. In 1933 the Greater Greensboro School District, which was created by Chapter 77 of the Private Laws of 1927, was abolished as a special-charter district by Section 4 of Chapter 562 of the Public Laws of 1933. The same year, pursuant to the provisions of the latter Act, there was created a new district having the same boundaries as the Greater Greensboro School District formerly had, and the new district was classified as a city administrative unit and was designated as the Greensboro City Administrative Unit. The Greensboro City Administrative Unit now consists of the district originally designated as such, together with such additions thereto as have subsequently been made pursuant to the provisions of the school laws. Area comprised in district.

SEC. 1.3. Powers of board not limited to those conferred by this Act. The powers herein conferred upon the board are in addition to the powers otherwise conferred upon the board by general or local laws. Powers of board not limited to those conferred by Act.

SEC. 1.4. Public-Local Laws relating to Greensboro Public Schools. Public-Local Laws relating to Greensboro Public Schools.

(a) The following Public-Local Laws relating to the Greensboro Public Schools, although not included in this code, shall remain in effect:

(1) Chapter 680 of the 1943 Session Laws, which is entitled, "An Act to Permit the Board of County Commissioners of Guilford County, the Tax Levying Authorities of Greensboro

City Administrative Unit, to Levy an Additional Tax upon the Property is Said Administrative Unit for the Maintenance of Plant and Fixed Charges Thereon."

(2) Chapter 396 of the 1947 Session Laws, which is entitled, "An Act Providing for the Levy, Collection, and Distribution of Taxes in Guilford County for the Retiring of Capital Outlay Indebtedness Incurred in the Erection of School Houses."

(b) The foregoing enumeration of certain Public-Local Laws relating to the Greensboro Public Schools shall not have the effect of repealing any other Public-Local Law or Laws applicable to the Greensboro Public Schools.

Art. 2. Status of Board; Members; Officers.

Board as corporate body; seal.

SEC. 2.1. Board as corporate body; seal. The governing body of the Greensboro City Administrative Unit is a body politic and corporate by the name of "The Board of Trustees of the Greensboro City Administrative Unit." In that name it may exercise all of the powers conferred upon it by law. The board may adopt, alter, and use a corporate seal.

Membership of board; appointment; terms.

SEC. 2.2. Membership of board; appointment; term.

(a) The board is and shall be composed of seven members. At the time of the enactment of this code the members of the board and the dates of expiration of their terms of office shall be as follows:

Name of Member	Date of Expiration of Term
John R. Foster	April 1, 1949
Howard Holderness	April 1, 1949
Hal H. Jordan	April 1, 1950
Mrs. J. B. Pleasants	April 1, 1950
J. C. Cowan, Jr.	April 1, 1951
D. C. Hudgins	April 1, 1951
Raymond A. Smith	April 1, 1949

The term of each of these persons as a member of the board shall continue until the date of expiration shown in this Subsection.

(b) The immediate and subsequent successors of the first six members named in Subsection (a) of this Section shall be appointed by the City Council of the City of Greensboro. The immediate and subsequent successors of the last member named in Subsection (a) shall be appointed by the Board of Education of Guilford County. Each member so appointed shall be appointed for a term of four years, beginning April first, and until his successor is appointed and qualifies.

Vacancies.

SEC. 2.3. Vacancies. If any vacancy occurs in the membership of the board as the result of the death or resignation of a member, or his removal from the school district, or otherwise, such vacancy shall be filled by the body (City Council of the City of Greensboro or the Board of Education of Guilford County) which appointed the member causing such vacancy, and the appointment shall be for the remainder of his term.

Eligibility for membership.

SEC. 2.4. Eligibility for membership. Only adult persons of intelligence and of good character who are known to be in favor of public education, and who are residents of the school district are eligible for appointment to membership on the board. There shall be no requirement as to the residence of any member of the board except that he reside within the school district.

SEC. 2.5. Qualification of members.

Qualification of members.

(a) No person appointed a member of the board after the effective date of this code may exercise any of the powers of membership until he has qualified by taking and subscribing the oath of office prescribed by Art. VI, Sec. 7, of the Constitution of North Carolina as follows:

Oath of office.

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a member of the Board of Trustees of the Greensboro City Administrative Unit; so help me, God."

(b) Such oath of office may be administered by the city superintendent of schools.

Compensation.

SEC. 2.6. Compensation. No compensation shall be paid members of the board.

Officers of board.

SEC. 2.7. Officers of board.

(a) The members of the board shall at the regular March meeting of the board each year, elect a chairman and a vice chairman of the board for a term of one year beginning the next April first. The officers so elected shall serve for a term of one year and until their successors are elected. If for any reason such election is not held at the regular March meeting of the board, it shall be held as promptly thereafter as practicable.

Ex-officio secretary.

(b) The city superintendent of schools shall be ex officio secretary of the board, as provided by General Statutes 115-353.

Assistant secretary.

(c) The board may at any time elect an assistant secretary to serve at the pleasure of the board. The person so appointed may be, but shall not be required to be, a member of the board.

Any such assistant secretary may perform the duties of the secretary of the board when the office of secretary is vacant or when the secretary is absent from the district or for any other reason is unable to perform his duties as secretary.

Art. 3. Meetings of Board.

Regular meetings of board.

SEC. 3.1. Regular meetings. The board shall, by rule or otherwise, fix the time for holding regular monthly meetings. Any such monthly meeting need not be held when so ordered by the board.

Special meetings.

SEC. 3.2. Special meetings.

(a) The chairman of the board, or any two members of the board, or the vice chairman of the board when the chairman is absent from the district or for any reason is unable to act, may at any time call a special meeting of the board. Such call shall be made in writing, shall designate the time and place of the meeting, and shall be signed by the person or persons calling the meeting.

Written call of special meeting.

Copy of call to members of board.

(b) The person or persons calling any special meeting, or the secretary of the board at the direction of the person or persons calling the meeting, shall, not less than six hours prior to the time fixed for the meeting, cause a copy of the written call to be

(1) delivered to each member of the board other than the member or members calling the meeting, or

(2) left at his usual place of residence.

(c) It shall not be necessary to state in the call for a special meeting the purpose of the meeting, and any business may be transacted at a special meeting that might be transacted at a regular meeting.

Meetings when all members present or consent thereto.

SEC. 3.3. Meetings when all members present or consent thereto. A meeting of the board may be held at any time when all of the members of the board are present and consent thereto, or when such members as are not present consent in writing that such meeting may be held. Any business may be transacted at any such meeting that might be transacted at a regular meeting.

Adjourned meetings.

SEC. 3.4. Adjourned meetings. Any regular or special meeting of the board at which a quorum is present, and any adjourned meeting of either at which a quorum is also present, may adjourn to such time prior to the next regular meeting as may be fixed therefor by a majority of the members present at any such regular, special, or adjourned meeting. When the board adjourns to meet at the call of the chairman, the call for such meeting shall be executed and delivered as provided by Subsections (a) and (b), respectively, of Section 3.2 of this Article.

If a regular, special, or adjourned meeting adjourns to meet at a time and place certain, no notice shall be required of such later meeting.

SEC. 3.5. Place of meeting.

Place of meeting.

(a) All regular and special meetings of the board shall be held at such place as may be fixed by the board as the administrative offices of the board; but any regular or special meeting having a quorum of the board present may adjourn to any other place within the school district, and any such adjourned meeting, at which a quorum is present, may, in turn, adjourn to such place within the school district as may be fixed therefor by a majority of the members present at such meeting.

(b) If any meeting which is required or scheduled to be held at the administrative offices of the board cannot, because of its destruction or for any other reason, be held at such place, such meeting shall be held at such other place in the school district as may be designated by the chairman of the board, or by the vice chairman when the chairman is absent from the district or for any reason is unable to act.

Quorum.

SEC. 3.6. Quorum. Four members shall constitute a quorum for any meeting of the board.

Rules of procedure.

SEC. 3.7. Rules of procedure. The board shall have authority to make rules of procedure for its meetings, including, without limitation, rules designating the matters for which a roll-call vote shall be required, and to amend or repeal any such rule.

Minutes.

SEC. 3.8. Minutes. The board shall cause its secretary to keep minutes of all of its meetings. Every resolution and motion, which is adopted by the board and every order which is made by the board and which is not set out in full in the minutes shall be filed in an exhibit book and by proper reference shall be made a part of the minutes. When the minutes of any meeting are approved by the board at a subsequent meeting, the minutes shall be signed by the person acting as chairman and the person acting as secretary at the meeting at which such approval is given.

Art. 4. Employees of the Board; Legal Counsel.

Election of employees of Board.

SEC. 4.1. Time of election. With the exception of the city superintendent of schools, principals, and teachers, the election of whom is governed by general law, such employees as are elected by the board may be elected at such times as the board may determine.

Election upon recommendation of city superintendent.

SEC. 4.2. Election upon recommendation of city superintendent. Only persons nominated by the city superintendent of schools may be elected by the board to any position in the school district, but the board may reject any nomination made by the

city superintendent, in which case he shall submit another nomination.

Election of treasurer and certain other employees.

SEC. 4.3. Election of treasurer and certain other employees. Upon nomination by the city superintendent of schools, the board shall elect a treasurer, and it may elect a business manager, a director of purchase and contract, an assistant superintendent of schools, and such other employees as it may deem advisable.

Terms of employees.

SEC. 4.4. Term. With the exception of the city superintendent of schools, principals, and teachers, employees elected by the board may be elected to serve at the pleasure of the board or for such terms as may be fixed by the board.

Board may delegate authority to employ certain employees.

SEC. 4.5. Board may delegate authority to employ certain employees. The board may delegate to the city superintendent of schools, the business manager, or such other employee or employees of the board as it may deem advisable, authority to employ and prescribe the duties of such employees or classes of employees, other than principals and teachers, as the board may designate, to fix their compensation within such limits as the board may prescribe, and to determine the terms or periods for which they shall be employed.

Attorney for board.

SEC. 4.6. Attorney; other legal counsel. The board may employ an attorney to serve at the pleasure of the board and may pay such compensation for his services as it may deem proper.

Additional legal counsel.

The board may also employ additional legal counsel whenever it may deem it necessary or advisable and may pay such compensation for services rendered by such counsel as it may deem proper.

Miscellaneous powers and duties of board.

Art. 5. Miscellaneous Powers and Duties of the Board.

SEC. 5.1. Powers in addition to others conferred by law. In addition to other powers conferred on the board by this code or by any other law or laws, the board shall have power:

(1) To make and enforce such rules not in conflict with the general law as it may deem advisable for the government and operation of the schools.

(2) To make and enforce such rules as it may deem advisable to protect and preserve the health of the pupils and the employees of the schools.

(3) To waive any defect in connection with any bid for construction or repair work or for the furnishing of apparatus, supplies, materials, or equipment when, in the opinion of the board, the defect is of a minor character, and the bid with respect to which such defect occurs is the bid of the lowest responsible bidder, taking into consideration quality and the time specified for the performance of the contract, and when, in the opinion of the board, it would be for the best interest of the schools to accept such bid notwithstanding such defect.

Art. 6. Fiscal Affairs. Fiscal affairs.

SEC. 6.1. Bond of treasurer; bonds of other employees.

(a) The board shall require the treasurer to deliver to the board and to keep in effect a bond in the penal sum of twenty-five thousand dollars ($25,000.00) or such larger sum as the board may fix. The board may require such other employees as it may deem advisable to deliver to the board and to keep in effect bonds in such penal sums as it may fix. Bond of treasurer. Bonds of other employees.

(b) Each such bond shall be executed by the employee as principal and by a surety company authorized to do business in this State as surety. The bond shall be payable to the board, and the condition of the bond shall be that the employee will faithfully perform the duties of his position and that he will pay over and account for all funds coming into his hands by virtue of his position. Execution and condition of bonds.

(c) Premiums on such bonds required of employees shall be paid out of district funds. Payment of premiums.

(d) Every bond required by the board of any of its employees shall be approved by the board, and a record of this approval shall be included in the minutes of the meeting at which approval is given. Approval of bonds.

(e) The board shall, by general rule or otherwise, designate the custodian or custodians of bonds required of its employees. Custodian of bonds.

SEC. 6.2. Checks or warrants for district funds. Checks or warrants for district funds.

(a) Checks or warrants for district funds shall be signed by the treasurer of the board and countersigned by the city superintendent of schools. The board may, however, designate some other person or persons who shall have authority to sign or countersign checks or warrants when the treasurer or the city superintendent of schools, as the case may be, is out of the district or is for any other reason unable to act.

(b) It shall not be necessary for the chairman of the board to sign or countersign any check or warrant on district funds, except in those cases where he is so authorized pursuant to the provisions of Subsection (a) of this Section.

(c) Except as provided by Sections 6.3 and 6.4 of this Article, no check or warrant on any district fund shall be countersigned by the city superintendent of schools or by any other person authorized to countersign checks or warrants except when the disbursement made by such check or warrant is for a purpose authorized by the budget and is within the unexpended balance of the budget appropriation from such fund.

(d) Any bank upon which any such check or warrant is drawn may pay such check or warrant when it is signed by any of the persons authorized by the board to sign, and countersigned by any of the persons authorized by the board to countersign, checks or warrants.

Book fund and cafeteria fund.

SEC. 6.3. Book fund and cafeteria fund. The board shall each year adopt a budget for the book fund and a budget for the cafeteria fund. The expenditure of any unexpended balance of either fund during the budget year may, however, be authorized by the board notwithstanding the fact that such expenditure was not provided for by the budget.

Non-budget fund.

SEC. 6.4. Non-budget fund.

(a) The board shall create a special fund to which shall be credited the receipts from summer schools conducted by the board, veterans' education fees, tuition fees, rent for the use of buildings and grounds, and such other receipts as are not required by law to be credited to any of the budget funds provided for by the State school law.

(b) The board shall not be required to adopt a budget for this fund and the board may from time to time make such appropriations from the fund for such school purposes as it may deem proper.

Payment of compensation out of district funds.

SEC. 6.5. Payment of compensation out of district funds.

(a) Out of any local supplement the board may pay to any employee or employees of the Greensboro Public Schools such compensation, in addition to compensation paid such employee or employees by the State, as the board may deem proper. The board may also employ such employees, in addition to those provided for by the State allotment, as it may deem proper, and may pay their compensation out of any local supplement.

(b) In any case where the whole or any part of the compensation of any employee of the Greensboro Public Schools is payable out of any local supplement or out of any other district fund, such compensation may be paid in a lump sum or in such installments and at such time or times as the board may direct.

Payments in advance.

(c) The board may, when it deems it advisable for any reason, pay any part or parts of such compensation in advance. When the payment of any compensation in advance is authorized by the board a record thereof and of the reason therefor shall be set out in the minutes of the meeting of the board at which such authorization is given.

SEC. 6.6. Taxes for payment of bonded indebtedness and for local supplement.

Tax levy for payment of bonded indebtedness.

(a) The Board of Commissioners for the County of Guilford shall have the power and it shall be its duty to levy and have collected all of the taxes necessary to be levied and collected for the payment of the bonded indebtedness of the Greater Greensboro School District.

Tax levy for local supplements.

(b) The Board of Commissioners for the County of Guilford shall also have power and it shall be its duty to levy and have collected all of the taxes for the local supplements heretofore authorized and now in effect in the district.

Prior tax levies validated.

(c) All levies of taxes heretofore made in the district by the Board of Commissioners for the County of Guilford for the payment of the bonded indebtedness of the Greater Greensboro School District and for the local supplements in the district are hereby validated.

Insurance for pupils transported by bus.

SEC. 6.7. Insurance for pupils transported by bus. In order to provide for the pupils of the Greensboro Public Schools who are not covered by the provisions of General Statutes 115-340 to 115-346, both inclusive, protection similar to that provided by those Sections, the Board of Trustees of the Greensboro City Administrative Unit may include in its budget such an amount as it may deem necessary to pay the premiums on insurance to provide such protection; and the Board of Commissioners for the County of Guilford may approve such budget item and may provide the necessary funds therefor.

General provisions relating to property.

Art. 7. General Provisions Relating to Property.

Title to real property.

SEC. 7.1. Title to real property vested in board. Title to all real property in the school district which is held for the benefit of the public schools of the district is hereby vested in the Board of Trustees of the Greensboro City Administrative Unit as a body politic and corporate.

Deeds to be kept by city superintendent.

SEC. 7.2. Deeds to be kept by city superintendent. All deeds for real property belonging to the board shall, after registration, be kept in the custody of the city superintendent of schools as secretary of the board.

Execution of deeds and instruments relating to real property.

SEC. 7.3. Execution of deeds and instruments relating to real property. Any deed or other instrument relating to real property, the execution of which is authorized by the board, shall be executed in the name of the Board of Trustees of the Greensboro City Administrative Unit by its chairman or vice chairman, attested by its secretary or assistant secretary, and sealed with its corporate seal.

Condemnation of property for school purposes.

Art. 8. Condemnation of Property for School Purposes.

SEC. 8.1. Authority. Real property which is required for the construction of schoolhouses or other school buildings or for other school purposes in the school district, the compensation for

which cannot be agreed upon by the owner or owners and the board, may be condemned.

Procedure.

SEC. 8.2. Procedure. The procedure for the condemnation of any such real property shall be as prescribed by General Statutes 115-85.

Condemnation when member of board is interested.

SEC. 8.3. Condemnation when member of board is interested.

(a) Whenever any member of the board is interested as owner, mortgagee, trustee, lessee, or otherwise in any real property required for school purposes in the school district, such property may be acquired by condemnation as provided by Section 8.2 of this Article; and failure or inability of the owner or owners and the board to agree upon a price therefor shall not be a condition precedent to the condemnation of such property.

(b) The condemnation of such property by the board shall not subject any member of the board interested therein as owner, mortgagee, trustee, or otherwise, to any civil or criminal liability, notwithstanding the provisions of General Statutes 14-234, if such member does not vote for the condemnation of such property.

Amount that may be condemned.

SEC. 8.4. Amount that may be condemned. The ten-acre limitation provided by G. S. 115-85 shall not apply to the condemnation of property by the board, and such amount of land may be condemned in any case as in the opinion of the board is necessary or proper for the purpose for which condemnation is to be had.

Compensation of appraisers.

SEC. 8.5. Compensation of appraisers. When property is condemned pursuant to the provisions of Section 8.2 of this Article, the compensation of the appraisers shall be fixed by the Clerk of the Superior Court of Guilford County, shall be taxed as a part of the court costs of the condemnation proceeding, and shall be paid by the board out of district funds.

Sale and exchange of property.

Art. 9. Sale and Exchange of Property.

Property that may be sold.

SEC. 9.1. Property that may be sold. Any real or personal property title to which is vested in the board and which in the opinion of the board is not needed for school purposes may be sold.

Sale of personal property not exceeding $500 in value.

SEC. 9.2. Sale of personal property not exceeding $500.00 in value. Any such personal property the value of which, in the opinion of the board, does not exceed five hundred dollars ($500.00), may be sold at private sale. No advertisement of any such sale is necessary, the sale is not subject to an upset bid, and the sale, when made pursuant to authority of the board, is final.

Sale of personal property exceeding $500 in value.

SEC. 9.3. Sale of personal property exceeding $500.00 in value. The sale of any such personal property the value of which, in the opinion of the board, exceeds five hundred dollars ($500.00), shall be made as provided by, and shall be subject to all of the provisions of, General Statutes 115-86.

Sale of real property.

SEC. 9.4. Sale of real property. The sale of any such real property shall be made as provided by, and shall be subject to all of the provisions of, General Statutes 115-86.

Disposition of proceeds of sale.

SEC. 9.5. Disposition of proceeds of sale.

(a) The proceeds of any sale of personal property made pursuant to the provisions of Section 9.2 of this Article may be applied to such purpose or purposes incident to the operation of the Greensboro Public Schools as the board may direct or authorize.

(b) The net proceeds of any sale of personal property made pursuant to the provisions of Section 9.3 of this Article and the net proceeds of any sale of real property made pursuant to the provisions of Section 9.4 of this Article may be applied, subject, however, to the approval of the Board of Commissioners for the County of Guilford, to such one or more of the following purposes as the Board of Trustees of the Greensboro City Administrative Unit may direct or authorize:

(1) The payment of any bonded indebtedness of the Greater Greensboro School District or of the Greensboro City Administrative Unit.

(2) The payment of any bonded indebtedness of the City of Greensboro created for school purposes.

(3) The purchase of any real or personal property for the Greensboro Public Schools.

(4) Any capital improvements for the Greensboro Public Schools.

(5) Any other purpose incident to the operation of the Greensboro Public Schools.

Exchange of personal property.

SEC. 9.6. Exchange of personal property. Any personal property title to which is vested in the board may, by direction or authorization of the board, be exchanged for other personal property.

Exchange of real property.

SEC. 9.7. Exchange of real property. Any real property title to which is vested in the board and which in the opinion of the board is not needed for school purposes may, subject, however, to the approval of the Board of Commissioners for the County of Guilford, be exchanged for other real property which in the opinion of the board is needed for school purposes.

Art. 10. Other Conveyances of Property; Easements; Licenses.

Conveyances for street or sidewalk purposes.

SEC. 10.1. Conveyances for street or sidewalk purposes. The board may convey any property for street or sidewalk purposes to:

(1) The State of North Carolina or any agency thereof, or to

(2) The City of Greensboro, or to

(3) Any other municipal corporation within or partly within the school district.

Easements.

SEC. 10.2. Easements. The board may grant an easement in any real property for water or sewer lines, or for public utility lines or pipes of any kind, either above or below ground, or for any other purpose that the board may deem advisable if, in the opinion of the board, such easement will not interfere with the proper use for school purposes of the property in which such easement is granted.

Licenses.

SEC. 10.3. Licenses. The board may grant a license for the temporary use of any real property for any purpose that the board may deem advisable if, in the opinion of the board, such license will not interfere with the proper use for school purposes of the property for which such license is granted.

Consideration; compliance with other laws.

SEC. 10.4. Consideration; compliance with other laws. Any conveyance, easement, or license authorized by this Article may be made or granted without any consideration therefor, or for such consideration as the board may deem proper, and without compliance with any other law relating to the sale or conveyance of school property.

Lease of property.

Art. 11. Lease of Property.

Property that may be leased.

SEC. 11.1. Property that may be leased. Any real property title to which is vested in the board may be leased or rented for a term not to exceed the period during which, in the opinion of the board, the property will not be needed for school purposes, but in no case for a term exceeding five years. Any original lease may contain a provision for the extension or renewal thereof, with the approval of the board, for an additional term not exceeding five years.

How lease made.

SEC. 11.2. How lease made. Any such lease may be made privately by the board or publicly after such notice is given in such manner and for such length of time as may be prescribed by the board.

Rent; disposition.

SEC. 11.3. Rent; disposition. Any such lease may be made for such rent as the board may deem advisable, and, in cases involving a proposed public or semi-public use of the leased

premises, the board may agree upon a rent which is less than the actual rental value of the leased property. Any rent received by the board shall be credited to the non-budget fund provided for by Section 6.4 and may be used for such school purpose or purposes as the board may deem advisable.

Article not applicable to stadium.

SEC. 11.4. This Article not applicable to stadium. The provisions of this Article shall not apply to the lease of property for a stadium as provided by Article 12 thereof.

Validation of lease for public golf course.

SEC. 11.5. Validation of lease for public golf course. The lease, dated April 1, 1947, in the name of the Greater Greensboro School District and the Trustees of the City Administrative Unit to the City of Greensboro for certain land to be used as a public golf course, is hereby validated.

The stadium.

Art. 12. The Stadium.

Definitions.

SEC. 12.1. Definitions. As used in this Article:

(1) "Board of Trustees" means the Board of Trustees of the Greensboro City Administrative Unit.

(2) "Stadium corporation" means the Greensboro High School Stadium Corporation.

Authority to make lease.

SEC. 12.2. Authority to make lease. The Board of Trustees of the Greensboro City Administrative Unit is hereby authorized to lease to the Greensboro High School Stadium Corporation, upon the terms hereinafter stated, a portion of the Senior High School property in the City of Greensboro for the construction of a stadium.

Terms of lease.

SEC. 12.3. Terms of lease.

(a) The lease shall contain substantially the following provisions.

Property leased.

(1) The property leased shall be such portion of the tract of land on which the Senior High School in the City of Greensboro is located as in the opinion of the board of trustees will be sufficient for the purpose of the lease.

Term of lease.

(2) The term of the lease shall be twenty years from the date thereof, subject to the provisions of paragraph (9) of this Section for earlier termination.

Construction of stadium.

(3) In consideration of such lease the stadium corporation shall agree to build on the leased premises, at its own cost and expense, a concrete stadium with a seating capacity of 10,000 persons or more and to complete the construction thereof not later than September 1, 1950.

Plans and specifications.

(4) The stadium shall be built according to plans and specifications approved by the board of trustees.

Title to stadium.

(5) Title to the stadium shall, from the beginning of the construction thereof, vest in the board of trustees.

Sublease of premises.

(6) The stadium corporation shall sublet the leased premises, effective upon the completion of the stadium, to the board of trustees for the unexpired term of the original lease.

Rent for sublease.

(7) The board of trustees, as sublessees, shall agree to pay to the stadium corporation an amount of rent each year which shall be determined by whichever of the following methods shall be designated by the board of trustees:

a. A fixed sum, or

b. A sum to be determined by a formula agreed upon by the board of trustees and the stadium corporation.

Disposition of rents.

(8) The stadium corporation shall use all of such rent received by it solely for the following purposes:

a. The payment of license fees and taxes, if any;

b. Any and all other necessary expenses of the corporation; and

c. The redemption at par and the retirement of its stock.

Termination of lease and sublease upon retirement of stock.

(9) If all of the stock of the stadium corporation is retired prior to the expiration of the term of the lease as fixed by paragraph (1) of this Section, the lease to the stadium corporation, and the sublease to the board of trustees, shall terminate immediately upon the retirement of the last of such stock.

Title of board upon termination of lease and sublease.

(10) Upon any termination of the lease and sublease the stadium corporation shall have no further interest in the stadium or the land on which it is situated, and the title of the board of trustees thereto shall be free from any interest of any kind of the stadium corporation therein.

Other provisions of lease.

(b) The lease may contain such other provisions as in the opinion of the board of trustees may be necessary or proper to accomplish the purpose of this Article.

Authority to expend funds donated for stadium purposes.

SEC. 12.4. Authority to expend funds donated for stadium purposes. The board of trustees is hereby authorized to expend any funds which have heretofore or may hereafter be donated to the board for use in connection with the building of a stadium, in such way or ways as in the opinion of the board will best accomplish the purpose for which such donations were made. Any such expenditure may be made notwithstanding the fact that it was not included in any budget or in any budget appropriation. The provisions of General Statutes 115-372, 143-129, and 143-131 shall not apply to any expenditure of such funds.

Art. 13. Miscellaneous Provisions.

Miscellaneous provisions.

SEC. 13.1. Purchases made from book fund, cafeteria fund, or non-budget fund.

Purchases made from book fund, cafeteria fund or non-budget fund.

(a) The board may make such provision from time to time as it may deem proper for purchases of apparatus, supplies, materials, or equipment with money from the book fund, the cafeteria fund, or the non-budget fund, and may delegate to any employee of the board authority to make such purchases. General Statutes 115-372 shall not apply to purchases made with monies from any of these funds, and General Statutes 143-131 shall apply to such purchases only when they involve the expenditure of $500.00 or more.

(b) Any construction or repair work or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of $1000.00 or more from any of these funds shall be subject to the provisions of G. S. 143-129.

SEC. 5. Effect on laws authorizing tax levies for any purpose.

Effect on laws authorizing tax levies for any purpose.

(a) This Act shall not repeal any Act or the applicable provisions of any Act authorizing any levy for taxes for the payment of principal or interest on any bonds heretofore issued by the City of Greensboro for school purposes or by the Greater Greensboro School District; and the proper tax levying authorities shall continue to have power to levy and collect such taxes for the payment of such bonds.

(b) This Act shall not repeal any Act or the applicable provisions of any Act authorizing any other levy of taxes for any school purpose; and the proper tax levying authorities shall continue to have power to levy and collect taxes for any and all school purposes authorized at the time of the enactment of this Act.

SEC. 6. Repeal of conflicting laws. All laws and portions thereof in conflict with this Act are hereby repealed to the extent of such conflict.

Repeal of conflicting laws.

SEC. 7. Effective date. This Act shall become effective upon its ratification.

Effective date.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 618 **CHAPTER 386**

AN ACT TO AMEND SECTION 2-36 OF THE GENERAL STATUTES, RELATING TO THE PAYMENT OF ADVANCE COURT COSTS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

G. S. 2-36, amended as to fees of Clerk Superior Court, Franklin County.

SECTION 1. Section 2-36 of the General Statutes, as the same appears in the 1947 Cumulative Supplement, is hereby amended by striking out the word "Franklin" which appears before the word "Iredell" in line 3 of said Section.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 620 **CHAPTER 387**

AN ACT TO AMEND CHAPTER 728 OF THE SESSION LAWS OF 1947, RELATING TO THE VALIDATING OF CERTAIN CONVEYANCES IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 728, Session Laws, 1947, amended as to validation of certain conveyances, Franklin County.

SECTION 1. Section 2 of Chapter 728 of the Session Laws of 1947 is hereby amended by inserting after the word "by" and before the letter "T." in line 4 of said Section, the following words: "J. H. Boone, substituted trustee, or by".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 624 CHAPTER 388

AN ACT TO VALIDATE CERTAIN ACTS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Town of Laurinburg, street improvements and assessments validated.

SECTION 1. Any and all Acts heretofore done by the Board of Commissioners of the Town of Laurinburg, in the improving of the streets of the Town of Laurinburg and the assessments levied therefor, are hereby in all respects approved and validated. Nothing contained in this Act shall affect pending litigation.

Pending litigation unaffected.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 637 CHAPTER 389

AN ACT RELATING TO REPORTS OF THE CLERK OF THE SUPERIOR COURT OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Halifax County, annual reports of Clerk Superior Court.

SECTION 1. Annual reports of the Clerk of the Superior Court of Halifax County required to be made pursuant to G. S. 2-46 and G. S. 153-60 shall cover the twelve months' period from the first day of November of one year to the thirty-first day of October the succeeding year.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 648 CHAPTER 390

AN ACT TO AMEND CHAPTER 665 OF THE PUBLIC-LOCAL LAWS OF 1947, AS AMENDED, RELATING TO THE PITT COUNTY PEACE OFFICERS PROTECTIVE ASSOCIATION.

The General Assembly of North Carolina do enact:

Ch. 665, Session Laws, 1947, amended as to Pitt County Peace Officers' Protective Association.

SECTION 1. That Section 6 of Chapter 665 of the Public-Local Laws of 1947 be amended by striking out the word "and" between the words "courts" and "mayors" in line 3 and inserting in the place thereof a comma and by adding after the comma immediately following the words, "mayors' courts", the following:

"and justices of the peace courts,".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 665 CHAPTER 391

AN ACT TO REPEAL CHAPTER 898 OF THE SESSION LAWS OF 1945 RELATING TO THE AUDITING OF THE ACCOUNTS OF THE TREASURER OF THE COUNTY SCHOOL FUND AND THE COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 898, Session Laws, 1945, repealed.

SECTION 1. Chapter 898 of the Session Laws of 1945 is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. B. 30

CHAPTER 392

AN ACT TO AMEND THE SUPPLEMENT "THE REVENUE ACT," BEING SUBCHAPTER I OF CHAPTER 105 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

TITLE AND PURPOSE OF ACT

Title of Act.

SECTION A. The title of this Act shall be "The Act of One Thousand Nine Hundred and Forty-nine (1949) Amending and Supplementing 'The Revenue Act,' being Subchapter I of Chapter 105 of the General Statutes."

Purpose of Act.

SEC. B. The purpose of this Act is to amend and supplement "The Revenue Act," being Subchapter I of Chapter 105 of the General Statutes, and to raise and provide revenue for the purposes therein set forth.

G. S., Ch. 105, The Revenue Act, amended.

That "The Revenue Act," being Subchapter I of Chapter 105 of the General Statutes, be, and the same is hereby, amended and supplemented as hereinafter provided in this Act, that is to say:

Amendments to License Tax.

SECTION 1. Amendments to the License Tax Article, Article 2, Schedule B.

G. S. 105-36.1, enacted.

Subsection (a). Insert a new Section, to be numbered Section 105-36.1, to read as follows:

License tax on outdoor theatres.

"(a) Every person, firm or corporation engaged in the business of operating an outdoor or drive-in moving picture show or places where vaudeville exhibitions or performances are given for compensation shall apply for and obtain in advance from the Commissioner of Revenue a State license for the privilege of engaging in such business and shall pay a tax in accordance with the following schedule:

Schedule of taxes based upon population and car capacity.

For drive-in or outdoor theatres located in or within 10 miles of the corporate limits of cities and

	Car Capacity Up to 150
towns of less than 3,000 pop.	1.00 per car
towns of 3,000 to 5,000 pop.	1.10 per car
towns of 5,000 to 10,000 pop.	1.20 per car
towns of 10,000 to 20,000 pop.	1.30 per car
towns of 20,000 to 40,000 pop.	1.40 per car
towns of 40,000 and over	1.50 per car

Car Capacity 150 to 300	Car Capacity 300 to 500	Car Capacity 500 or over
1.10 per car	1.20 per car	1.30 per car
1.20 per car	1.30 per car	1.40 per car
1.30 per car	1.40 per car	1.50 per car
1.40 per car	1.50 per car	1.60 per car
1.50 per car	1.60 per car	1.75 per car
1.60 per car	1.75 per car	2.00 per car

Tax on seating space provided.

"In addition to the foregoing tax based upon population and car capacity, every operator of a business taxed under this Section shall pay a tax of one dollar ($1.00) for each seat or seating space provided for patrons outside of motor vehicles driven into the enclosure by patrons. For the purpose of this Section, car capacity shall be determined by the number of outlets provided for individual speakers. In the case of drive-in or outdoor theatres not equipped with individual speakers or outlets therefor, but which are equipped with one or more central speakers, the car capacity shall be regarded and rated as two hundred (200).

Determination of car capacity.

Theatres within 10 miles of corporate limits of more than one municipality.

"In the case of drive-in or outdoor theatres located within ten miles of the corporate limits of more than one municipality, the tax herein levied shall be paid in accordance with the rate applicable to the largest of such municipalities.

Unincorporated communities deemed incorporated for purposes of Section.

"For the purpose of this Section, unincorporated communities shall be regarded as incorporated municipalities, with the corporate limits deemed to extend one mile in every direction from the intersection of the two principal streets in such unincorporated community; and if there is no such intersection, then from the recognized business center of such unincorporated community.

Theatres located more than 10 miles from any corporate limits.

"In the case of drive-in or outdoor theatres located more than ten miles from the corporate limits of any municipality, the tax shall be paid at the rate herein provided for such theatres located within ten miles of the corporate limits of a municipality having a population of 3,000 to 5,000.

Theatres operating less than 6 months.

"In the case of drive-in or outdoor theatres operating less than six months each year, the tax shall be one-half the tax herein levied.

Tax levied by local units.

"(b) Cities and towns may levy a tax upon the businesses taxed in this Section not in excess of the following amounts:

Schedule of tax.

In cities or towns of less than 1,500 population	$ 12.50
In cities or towns of 1,500 and less than 3,000 population	31.25
In cities or towns of 3,000 and less than 5,000 population	62.50

In cities or towns of 5,000 and less than 10,000 population	$ 87.50
In cities or towns of 10,000 and less than 15,000 population	137.50
In cities or towns of 15,000 and less than 25,000 population	187.50
In cities or towns of 25,000 population or over	212.50"

G. S. 105-37, amended.

Subsection (b). Rewrite Subdivision (b) of Section 105-37 of the General Statutes to read as follows:

Tax on neighborhood theatres and on colored theatres.

"For any moving picture show operated within the city limits or within one mile of the corporate limits of any city having a population of twenty-five thousand (25,000), or over, and known as neighborhood or suburban theatres, or for any theatre operated exclusively for colored people in a city having a population of two thousand five hundred (2,500), or over, the tax levied shall be one third of the above tax, based upon the population of such city."

G. S. 105-85, tax on laundries, amended to include laundrettes, etc.

Subsection (c). Rewrite the first three (3) lines of Section 105-85 to read as follows:

"Every person, firm, or corporation engaged in the business of operating a laundry, including wet or damp wash laundries and businesses known as 'launderettes,' 'launderalls' and similar type businesses,"

G. S. 105-85, amended as to gross receipts tax.

Subsection (d). Amend the fifth paragraph of Section 105-85 of the General Statutes by adding at the end thereof the following:

"The one per cent gross receipts tax levied by this paragraph shall not be due or payable by laundries as defined herein on that portion of their business upon which a three per cent sales tax is due and payable."

G. S. 105-89, amended as to license tax on motor vehicle dealers.

Subsection (e). Amend Section 105-89 of the General Statutes (1947 Cumulative Supplement) by striking out the period at the end of Subdivision (b) of Subsection (3), inserting a comma in lieu thereof and adding thereto the following:

"nor to dealers in four-wheel, farm type wagons equipped with rubber tires and designed to be pulled or towed by passenger cars or farm tractors."

G. S. 105-98, amended as to license tax on chain or branch stores.

Subsection (f). Section 105-98 of the General Statutes is hereby amended by striking out all of said Section following the colon in the first paragraph thereof and preceding the paragraph beginning "the term", the same being the tax schedule set out therein, and inserting in lieu thereof the following:

"on each and every such store operated in this State in excess of one, sixty-five dollars ($65.00)."

Effective date.

Subsection (g). This Section shall be effective on and after June 1, 1949.

Amendments to Franchise Tax.

SEC. 2. Amendments to the Franchise Tax Article, Article 3, Schedule C.

G. S. 105-116, franchise tax on public service companies, amended.

Subsection (a). Rewrite Subsection (6) of Section 105-116 to read as follows:

"(6) Companies taxed under this Section shall not be required to pay the franchise tax imposed by Section 105-122 or Section 105-123 unless the tax levied by Section 105-122 or Section 105-123 exceeds the tax levied in this Section, and no county shall impose a franchise, license or privilege tax upon the business taxed under this Section."

G. S. 105-116, further amended.

Further amend Section 105-116 of the General Statutes by adding at the end thereof a new Subsection to be numbered Subsection (7) and to read as follows:

Allocation of portion of franchise tax on public service companies to municipalities.

"(7) The Commissioner of Revenue shall ascertain the total gross receipts derived from the sale within any municipality of the commodities or services described in this Section, except water and sewerage services, and out of the tax of six per cent (6%) of gross receipts levied by this Section, an amount equal to a tax of ¾ of 1% of the gross receipts from sales within any municipality shall be distributed to such municipality: *Provided*, that out of the tax of four per cent (4%) of the first $25,000.00 of gross receipts of gas companies an amount equal to a tax of ¾ of 1% of the gross receipts from sales within any municipality, and out of the tax of six per cent (6%) of gross receipts of gas companies in excess of $25,000.00 an amount equal to a tax of ¾ of 1% of the gross receipts from sales within any municipality, shall be distributed to such municipality. If the gross receipts of any gas company from sales within and without any municipality exceed $25,000.00, receipts from sales without the municipality shall be allocated to the first $25,000.00 of total gross receipts.

Report of Commissioner as to quarterly collection of taxes to State Board of Assessment.

"Not later than fifteen days after the date on which each quarterly payment of taxes is due under this Section, the Commissioner of Revenue shall report to the State Board of Assessment the amount collected under this Section on account of receipts from the sale within each municipality of the commodities or services, other than water and sewerage services, described in this Section. The State Board of Assessment shall examine such reports and, if found to be correct, shall certify a copy of the same to the State Auditor and State Treasurer. Upon certification by the State Board of Assessment, as herein provided, it shall be the duty of the State Auditor to issue warrant on the State Treasurer to the treasurer, or other officer authorized to receive public funds, of each municipality

Board to certify copy to State Auditor and State Treasurer.

Issue of warrant to municipalities.

in the amount to be distributed to each such municipality as herein provided.

"So long as there is a distribution to municipalities of the amount herein provided from the tax imposed by this Section, no municipality shall impose or collect any greater franchise, privilege or license taxes, in the aggregate, on the businesses taxed under this Section, than was imposed and collected on or before January 1, 1947. If any municipality shall have collected any privilege, license or franchise tax between January 1, 1947 and the effective date of this Act in excess of the tax collected by it prior to January 1, 1947, then upon distribution of the taxes imposed by this Section to municipalities, the amount distributable to any municipality shall be credited with such excess payment."

Limitation on tax by municipalities.

Collection beyond limitation credited against municipality.

This Subsection shall be in full force and effect from and after April 1, 1949.

Effective date.

Subsection (b). Insert a new Subsection in Section 105-120 of the General Statutes, to following immediately Subsection (3), to be numbered Subsection (4), and to read as follows:

G. S. 105-120, franchise tax on telephone companies, amended.

"(4) The Commissioner of Revenue shall ascertain the total gross receipts derived from local business conducted within each municipality in this State by persons, firms or corporations taxed under this Section, and out of the tax levied by this Section, an amount equal to a tax of ¾ of 1% of the gross receipts from local business conducted within any municipality shall be distributed to such municipality. When a person, firm or corporation taxed under this Section properly receives a credit on said taxes under the proviso in Subsection (2) because of payments made to a municipality, such municipality's distributive share of the taxes levied by this Section shall be reduced by the amount of the credit properly received by said person, firm or corporation. If the credit received under the proviso is greater than the municipality's distributive share of the taxes levied under this Section, no distribution to such municipality shall be made.

Allocation of portion of tax to municipalities.

"Not later than fifteen days after the date on which each quarterly payment of taxes is due under this Section, the Commissioner of Revenue shall report to the State Board of Assessment the amount collected under this Section on account of receipts from local business conducted within each municipality. The State Board of Assessment shall examine such reports and, if found to be correct, shall certify a copy of the same to the State Auditor and State Treasurer. Upon certification by the State Board of Assessment, as herein provided, it shall be the duty of the State Auditor to issue warrant on the State Treasurer to the treasurer, or other officer authorized to receive public funds, of each municipality in the amount to be distributed to each such municipality as herein provided.

Report of Commissioner to State Board of Assessment.

Board to certify copy to State Auditor and State Treasurer.

Issue of warrant to municipalities.

"Local business" defined.

"In determining what constitutes local business conducted within a municipality for the purposes of this Subsection, all business originating within a municipality, except long-distance calls, shall be construed as local business.

Additional reports as to gross receipts.

"The Department of Revenue is hereby authorized and empowered to require any and all persons, firms or corporations taxed under this Section to file additional reports disclosing the gross receipts derived from local business as herein defined and the gross receipts from long-distance business.

Commissioner may prescribe method of allocating local revenues.

"If the records of the corporation taxed under this Section do not readily disclose allocation to municipalities of revenues from local business as above defined, the Commissioner of Revenue shall prescribe some practicable method of allocating such local revenues."

Further amend Section 105-120 of the General Statutes by renumbering Subsections (4) and (5) as (5) and (6).

Effective date.

This Subsection shall be in full force and effect from and after April 1, 1949.

Amendments to Income Tax.

SEC. 3. Amendments to the Income Tax Article, Article 4, Schedule D.

G. S. 105-138, amended as to exemption of mutual associations from taxation.

Subsection (a). Amend Subsection 9 of Section 105-138 of the General Statutes by adding at the end thereof the following:

"Nothing in this Subsection shall be construed to exempt any cooperative, mutual association or other organization from an income tax on net income (gross income minus operating expenses, including interest paid on capital stock) which has not been allocated to patrons on a patronage basis and distributed either in cash, stock, certificates, or in some other manner that discloses to each patron the amount of his patronage refund; *provided,* that no stabilization or marketing organization, which handles agricultural products for sale for producers on a pool basis, shall be deemed to have realized any net income or profit in the disposition of a pool or any part of a pool until all of the products in that pool shall have been sold and the pool shall have been closed; *provided, further,* that a pool shall not be deemed closed until the expiration of at least 90 days after the sale of the last remaining products in that pool. Such cooperatives and other organizations shall file an annual informational return with the State Department of Revenue on forms to be furnished by the commissioner and shall include therein the names and addresses of all persons, patrons and/or shareholders, whose patronage refunds or interest on stock amount to $50.00 or more."

G. S. 105-142, basis of return of net income, amended.

Subsection (b). Add a new Subsection to Section 105-142 to read as follows:

"An individual, who patronizes or owns stock or has membership in a farmers' marketing or purchasing cooperative or mutual, organized under Subchapter 4 or Subchapter 5 of Chapter 54 of the General Statutes of North Carolina, shall include in his gross income for the year in which the allocation is made his distributive share of any savings or interest on stock, whether distributed in cash or credit, allocated by the cooperative or mutual association for each income year."

Distributive share of benefits from cooperative association included in gross income.

Subsection (c). Amend Section 105-147 (1947 Cumulative Supplement) by adding a new Subsection thereto, to follow immediately Subsection 9½, to be numbered 9¾ and to read as follows:

G. S. 105-147, deductions, amended.

"9¾. Contributions by persons and corporations to the State of North Carolina, any of its institutions, instrumentalities, or agencies, any county of this State, its institutions, instrumentalities, or agencies, any municipality of this State, its institutions, instrumentalities, or agencies."

Deduction of contributions to State or its agencies, etc.

Subsection (d). Amend Section 105-147 (1947 Cumulative Supplement) by adding thereto a new Subsection, to be numbered Subsection 14, and to read as follows:

"14. Payments made by a divorced or estranged spouse to his or her spouse who is living separate and apart from the spouse making such payments for the separate support and maintenance of such spouse, whether made pursuant to an order of court or under the terms of an agreement, oral or written, between the parties. The deduction authorized by this Subsection shall in no case exceed the amount actually paid or one thousand dollars ($1,000.00), whichever is smaller. In case a spouse is making payments to more than one divorced or estranged spouse living separate and apart from the spouse making the payments for their separate support and maintenance, payments made under the conditions outlined above may be deducted by the spouse making the payments up to the payments made to each such spouse or one thousand dollars ($1,000.00) each, whichever is smaller. Any individual who reports his income to the State of North Carolina for income tax purposes on an accrual basis may claim the deductions authorized by this Subsection if the payments claimed as a deduction are actually made within seventy-five (75) days after the close of the taxpayer's fiscal or calendar year, whichever is used. No deduction shall be allowed under this Subsection for payments made for the support of dependents, whether made directly to the dependents or to the spouse for the support of such dependents. When a sum is to be paid under the conditions outlined above to a spouse living separate and apart from the spouse making the payments for the support of said spouse and a dependent or dependents of the spouse making the payments, only the amount paid for the support of the spouse

Deduction of payments for support and maintenance to divorced or estranged spouse.

Limitation on amount deductible.

Payments for support of dependents.

(not to exceed $1,000.00) shall be claimed as a deduction under this Subsection.

Deduction in event of lump sum settlement or transfer of property.

"When a legal obligation to support a divorced or estranged spouse living separate and apart from his or her spouse is satisfied by the payment of a lump sum or a transfer of property, the amount of such lump sum payment or the market value of such property at the time of the conveyance thereof, or one thousand dollars ($1,000.00), whichever is smaller, may be claimed as a deduction under this Subsection. The deduction claimed under this paragraph must be claimed for the income year in which the payment is made or the transfer of property is effected and no deduction on account thereof may be claimed in any subsequent year: *Provided,* that when a taxpayer reports income for income tax purposes on an accrual basis, the deduction authorized by this paragraph may be claimed on that basis and no subsequent deduction shall be allowed under this paragraph."

G. S. 105-149, amended to increase amount of exemption for dependents.

Subsection (e). Amend paragraph (e) of Section 105-149 of the General Statutes (1947 Cumulative Supplement) by striking out the words and figures "Two hundred dollars ($200.00)" in the first line of said paragraph and inserting in lieu thereof the words and figures "Three hundred dollars ($300.00)."

G. S. 105-159, amended. Failure of taxpayer to notify Commissioner of changes in Federal return.

Subsection (f). Amend Section 105-159 (1947 Cumulative Supplement) as follows:

I. Insert a new sentence to follow immediately the first sentence of said Section and to read as follows:

"If the taxpayer fails to notify the Commissioner of Revenue of assessment of additional tax by the Commissioner of Internal Revenue, the statute of limitations shall not apply."

II. Add a new paragraph at the end of said Section to read as follows:

Payment of interest on refunds or assessments made as result of Federal correction.

"If a refund of taxes paid is made under this Section, interest thereon at six per cent (6%) per annum computed from ninety (90) days after the overpayment was made shall be added to such refund. If an assessment is made under this Section, interest thereon at six per cent (6%) per annum computed from the due date of the original return shall be added."

III. Add a second new paragraph at the end of said Section to read as follows:

Time limitation on assessment or refund by Commissioner.

"When the taxpayer makes the return reflecting the corrected net income as required by this Section, the Commissioner of Revenue shall make assessments or refunds based thereon within three (3) years from the date the return required by this Section is filed and not thereafter. When the taxpayer

does not make the return reflecting the corrected net income as required by this Section but the Department of Revenue receives from the United States Government or one of its agents a report reflecting such corrected net income, the Commissioner of Revenue shall make assessments for taxes due based on such corrected net income within five (5) years from the date the report from the United States Government or its agent is actually received and not thereafter."

G. S. 105-160, amended as to statute of limitation on additional assessments.

Subsection (g). Amend Section 105-160 (1947 Cumulative Supplement) as follows:

Strike out of the last sentence of said Section the following:

"(including the notice or return required by G. S. Sec. 105-159 with respect to federal correction of net income)".

Effective date.

Subsection (e). This Section shall be effective on and after January 1, 1949.

Amendments to Sales Tax.

SEC. 4. Amendments to the Sales Tax Article, Article 5, Schedule E.

G. S. 105-169, amended as to exemption of certain sales of gasoline or other motor fuel.

Subsection (a). Amend Section 105-169 as follows:

1. Rewrite Subsection (b) to read as follows:

"(b) Sales of gasoline or other motor fuel on which the tax levied in Section 105-434 and/or Section 105-435 is due and has been paid, and the fact that a refund of the tax levied by either of said Sections is made pursuant to the provisions of Subchapter V of Chapter 105 shall not make the sale or the seller of such fuels subject to the tax levied by this Article."

G. S. 105-169, further amended to exempt sales of fuel to farmers for certain purposes.

Subsection (b). Amend Section 105-169 of the General Statutes (1947 Cumulative Supplement) by adding thereto a new Subsection, to follow Subsection (b), to be designated Subsection (b-1) and to read as follows:

"(b-1) Sales of fuels to farmers to be used by them for any farm purpose other than preparing food, heating dwellings, and other household purposes."

G. S. 105-169, amended to exempt sales of building materials for certain institutions, etc.

Subsection (c). Amend Section 105-169 of the General Statutes (1947 Cumulative Supplement) by adding at the end of Subsection (q) the following:

"Sales of building materials to contractors to be used in construction and repair work for the institutions and agencies described in this Subsection shall be construed as sales to said institutions or agencies for the purposes of this Subsection."

G. S. 105-187, amended as to sales tax on building materials.

Subsection (d). Rewrite the first paragraph of Section 105-187 of the General Statutes to read as follows:

"There is hereby levied and there shall be collected from every person, firm, or corporation, an excise tax of three per cent of the purchase price of all tangible personal property purchased or used subsequent to June 30, 1939, which shall enter into or become a part of any building or any other kind of structure in this State, including all materials, supplies, fixtures and equipment of every kind and description which shall be annexed thereto or in any manner become a part thereof, except rough and dressed lumber (but not millwork), brick or hollow tile, cement blocks, cinder blocks, clinker blocks, sand, gravel, crushed stone, rock, and granite."

Effective date.

Subsection (e). This Section shall be effective on and after July 1, 1949.

Amendments to Intangible Tax.

SEC. 5. Amendments to the Intangible Tax Article, Article 7, Schedule H.

G. S. 105-199, amended as to exemption of deposits of foreign insurance companies.

Subsection (a). Amend Section 105-199 (1947 Cumulative Supplement) by adding at the end thereof the following:

"The tax levied in this Section shall not apply to deposits of foreign and alien insurance companies which pay the two and one-half per cent (2½%) gross premiums tax levied by Section 105-228.5."

Effective date.

Subsection (b). This Section shall be effective from and after the ratification of this Act.

Amendments to General Administration Article.

SEC. 6. Amendments to the General Administration Article, Article 9, Schedule J.

G. S. 105-241.

Subsection (a). The second paragraph of Section 105-241 of the General Statutes is hereby rewritten to read as follows:

Priority of Lien of State taxes.

"*Provided, however,* that the lien of State taxes shall not be enforceable as against bona fide purchasers for value, and as against duly recorded mortgages, deeds of trust and other recorded specific liens, as to real estate, except upon docketing of a certificate of tax liability or a judgment in the office of the Clerk of the Superior Court of the county wherein the real estate is situated, and as to personalty, except upon a levy upon such property under an execution or a tax warrant, and the priority of the State's tax lien against property in the hands of bona fide purchasers for value, and as against duly recorded mortgages, deeds of trust and other recorded specific liens, shall be determined by reference to the date and time of the docketing of judgment or certificate of tax liability or the levy under execution or tax warrant. *Provided further,* that in the event any taxpayer shall execute an assignment for the benefit of creditors, or if receivership, a creditor's bill or other insolvency proceedings are instituted against any taxpayer indebted to the State on account of any taxes levied by the State, the lien of State taxes shall attach to any and all property of

Priority in event of receivership or assignment for benefit of creditors.

such taxpayer or of such insolvent's estate as of the date and time of the execution of the assignment for the benefit of creditors or of the institution of proceedings herein mentioned and shall be subject only to prior recorded specific liens and reasonable costs of administration. Notwithstanding the provisions of this paragraph, the provisions contained in Section 105-174 and Section 105-176 shall remain in full force and effect with respect to the lien of sales taxes."

Lien of sales taxes.

Subsection (b). Add a new Section to follow Section 105-241, to be numbered 105-241.1, and to read as follows:

G. S. 105-241.1, enacted.

"SEC. 105-241.1. Additional taxes; assessment procedure. If the Commissioner of Revenue discovers from the examination of any return or otherwise that any tax or additional tax is due from any taxpayer, he may, at any time within three years of the date the tax or additional tax was due to be paid, where a proper application for a license or a return has been filed, or within five years where no proper application for a license or no return has been filed, notify the taxpayer in writing by mail the kind and amount of tax which is being assessed against him, and thereupon such tax or additional tax shall become due and collectible as in the case of other taxes due the State, together with any interest and penalties applicable to such tax.

Assessment of additional tax; procedure.

"If the commissioner is unable to obtain from the taxpayer information deemed by him to be adequate and reliable upon which to base such assessment, the assessment may be made upon the basis of the best information available and, subject to the provisions hereinafter made, such assessment shall be deemed correct.

"Any taxpayer feeling aggrieved by such assessment shall be entitled to a hearing before the Commissioner of Revenue upon making application therefor in writing within thirty days after the receipt of notice of the assessment. Such application shall set out in detail the taxpayer's objections to the assessment. If no application for a hearing is made within thirty days after notice of assessment is given, the assessment shall be final and conclusive. If application for a hearing is made in due time, the commissioner shall set a time and place for such hearing and after considering the taxpayer's objections shall give written notice of his decision to the taxpayer. The amount of the assessment as finally determined by the commissioner shall become immediately due and collectible.

Hearing before Commissioner upon objection of taxpayer to assessment.

Procedure.

Decision of Commissioner.

"The provisions of Sections 105-162 and 105-163 of the General Statutes shall be applicable to the tax so assessed, or the taxpayer may, at his option, pay the tax so assessed under protest and institute a suit to recover such tax in accordance with the provisions of Section 105-267 of the General Statutes.

Application of law as to revision and appeal.

Payment under protest.

"This Section is in addition to and not in substitution of any other provision of this Act relative to the assessment and col-

Section construed as supplemental.

lection of taxes, and shall not be construed as repealing any other provision of this Act."

G. S. 105-242, amended.

Subsection (c). Amend Section 105-242 by adding at the end of Subsection 3 thereof a new paragraph to read as follows:

Statute of limitation on certificate or judgment for taxes.

"A certificate or judgment in favor of the State or the Commissioner of Revenue for taxes payable to the Department of Revenue, whether docketed before or after the effective date of this paragraph, shall be valid and enforceable for a period of ten years from the date of docketing. When any such certificate or judgment, whether docketed before or after the effective date of this paragraph, remains unsatisfied for ten years from the date of its docketing, the same shall be unenforceable and the tax represented thereby shall abate. Upon the expiration of said ten-year period, the Commissioner of Revenue or his duly authorized deputy shall cancel of record said certificate or judgment. Any such certificate or judgment now on record which has been docketed for more than ten years shall, upon the request of any interested party, be cancelled of record by the Commissioner of Revenue or his duly authorized deputy."

Cancellation of certificate or judgment after ten years.

G. S. 105-244.1, enacted.

Subsection (d). Add a new Section to follow Section 105-244, to be numbered 105-244.1, and to read as follows:

Cancellation of certain assessments against veterans.

"SEC. 105-244.1. Cancellation of certain assessments. The Commissioner of Revenue is hereby authorized, empowered and directed to cancel and abate all assessments made after October 16, 1940, for or on account of any tax owing to the State of North Carolina and which is payable to the Department of Revenue against any person who was killed while a member of the armed forces or who has a service connected disability as a result of which the United States is paying him disability compensation. This provision shall apply only to assessments made after October 16, 1940, for taxes which were due prior to the time the taxpayer was inducted into the armed forces. If any such assessment is or has been paid, the Commissioner of Revenue may refund the amount paid but shall not add thereto any interest."

Application of provision.

G. S. 105-250.1, enacted.

Subsection (e). Amend Article 9, Schedule J, Subchapter 1 of Chapter 105 of the General Statutes by adding a new Section, to be numbered Section 105-250.1, and to read as follows:

Distributors of coin operated machines required to make quarterly reports.

SECTION 105-250.1. Distributors of coin operated machines required to make quarterly reports. Every person, firm or corporation who or which owns and places on location other than on his or its own premises, under any lease or rental agreement, loan or otherwise, or which sells coin operated machines or vending machines of any type whatsoever upon which a tax is levied under Sections 105-65 and 105-65.1 of the General Statutes (or upon which a tax shall hereafter be levied), herein-

after referred to as a distributor, shall file a quarterly informational report with the Commissioner of Revenue, in duplicate, as of the first day of March, June, September and December of each year, setting out the following information: Contents of report.

1. The name and address of the distributor making the report. Address of distributor.

2. A description of the principal business of such distributor. Description of business.

3. A list giving the location of each machine placed or remaining on location under any lease or rental agreement, loan or other arrangement whatsoever, other than by sale, together with the type of each such machine and its serial or other identifying number. Machines under lease or rental agreements.

4. A list giving the location of each machine theretofore sold by the distributor, (whether such sale was for cash, on open account, or under a conditional sale or other title retention contract), together with the type of each such machine and its serial or other identifying number. *Provided*, that machines sold by the distributor but known by him to be no longer in service need not be reported. Machines sold.

5. A list giving the location of each machine, other than those described in Items 3 and 4 above, for the sale or use by, for or in which the distributor sells, leases, services or in any manner furnishes any goods, wares, merchandise, records, equipment, accessories, supplies, parts or any services whatsoever, together with the type of each such machine and its serial or other identifying number. Machines serviced or supplied.

"*Provided*, that the report required to be made as of June 1, 1949 (or the first report made by any distributor) shall contain a complete and true list of all of the machines described in Items 3, 4 and 5 above, together with the information required by said items, but the quarterly reports required to be made as of the first day of March, June, September and December thereafter need show only those machines placed on location or sold by the distributor or for which the distributor has begun furnishing supplies, equipment and other services since the date as of which the next preceding quarterly report was made. Annual reports. Quarterly reports.

"As used herein, 'location' shall include the name and address of the owner or operator of the place of business where the machine is located, or the address of the premises on which the machine is located and the name of the person principally responsible for the operation of the machine. "Location" defined.

"Each quarterly report required by this Section shall be made to the License Tax Division of the Department of Revenue not later than twenty days after the date as of which each report is required to be made. Report made to License Tax Division.

"The Commissioner of Revenue is hereby authorized and empowered to prescribe forms to be used in making the reports required by this Section. Form of report.

Penalty for failure to make reports.

"Any distributor who shall fail to comply with the provisions of this Section and who shall fail, without showing good cause therefor, to make timely, full and accurate reports shall be liable to a penalty equal to the amount of the tax on all the machines described in Items 3 and 4, whether or not the distributor would otherwise be liable for the tax on such machines: *Provided,* that this shall not be construed as relieving the owner and/or operator of such machines of liability for any tax which may be due thereon."

Effective date.

This Subsection shall be effective from and after June 1, 1949.

G. S. 105-266, amended as to refund of overpayments.

Subsection (f). Amend Section 105-266 by striking out the period at the end of the first paragraph and adding thereto the following:

"or the due date of the return, whichever is later."

Effective date.

Subsection (g). This Section shall be effective from and after ratification of this Act except as otherwise herein provided.

Codification and printing of Revenue Act, as amended.

SEC. 7. The Secretary of State with the advice of the Attorney General as soon as possible after the ratification of this Act shall insert in the Revenue Act in their proper places the several amendments and supplements thereto enacted by the General Assembly of 1949, and shall print in codified form five thousand (5000) copies of said Act as amended and supplemented which shall be delivered to the Commissioner of Revenue for distribution. This compilation when certified by the Secretary of State and Attorney General to be a true and accurate compilation of the Revenue Act as amended shall be an official compilation or statement of the Revenue Act as amended.

Status of compilation.

SEC. 8. Retrospective Continuation of Existing Laws.

Retrospective continuation of existing laws.

Notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing Revenue Laws of the State shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July 1, 1949, affected or which ought to be affected by their terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July 1, 1949.

Effective date.

SEC. 9. Effective date. That except as otherwise expressly provided herein, this Act shall take effect on and after July 1, 1949.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 161 **CHAPTER 393**

AN ACT TO AMEND THE CONSTITUTION SO AS TO PERMIT THE ELECTION OF MORE THAN ONE REGULAR SUPERIOR COURT JUDGE IN ANY DISTRICT.

The General Assembly of North Carolina do enact:

Sec. 10, Art. IV, N. C. Constitution, amended.

SECTION 1. That the Constitution of the State of North Carolina, be and is hereby amended by striking out Section 10, Article IV, and inserting in lieu thereof the following:

Judicial Districts for Superior Court.

SEC. 10. Judicial Districts for Superior Courts. The General Assembly shall divide the State into a number of judicial districts which number may be increased or reduced and shall provide for the election of one or more Superior Court judges for each district. There shall be a Superior Court in each county at least twice in each year to continue for such time in each county as may be prescribed by law.

Election of one or more judges for each district.

Submission of amendment to voters.

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the general election to be held November 7, 1950.

Form of ballot.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed, "For permitting the General Assembly to prescribe the number of regular Superior Court judges in each judicial district, provided each district has at least one;" those opposed shall vote a ballot on which shall be written or printed, "Against permitting the General Assembly to prescribe the number of regular Superior Court judges in each judicial district, provided each district has at least one."

Conduct of election.

SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast shall be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of the State who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force in every part thereof from and after date of such certification.

Certification of result.

Enrollment.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 234 CHAPTER 394

AN ACT TO AMEND CHAPTER 146 OF THE PUBLIC-LOCAL LAWS OF 1913, RELATING TO AN ASSISTANT COUNTY SOLICITOR FOR NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Ch. 146, Public-Local Laws, 1913, amended.

SECTION 1. Chapter 146 of the Public-Local Laws of 1913 is hereby amended by adding immediately following Section 7 and immediately preceding Section 8 the two following Sections:

New Hanover County, appointment of Assistant County Solicitor.

"SEC. 7½. The County Solicitor of New Hanover County may appoint an assistant who shall perform the duties of the solicitor in his absence. The Board of Commissioners of New Hanover County shall have power and authority to fix the

Salary.

salary of said assistant solicitor in such amount as it deems just and proper."

Prior payments to acting assistants ratified.

"SEC. 7¾. All payments heretofore made to any attorney performing the duties of County Solicitor of New Hanover County are hereby ratified and confirmed."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 592 CHAPTER 395

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO SELL AT PRIVATE SALE REAL PROPERTY ACQUIRED BY IT AT TAX SALES AND FORECLOSURES.

Preamble: City of Wilmington, foreclosures on delinquent taxes and assessments.

WHEREAS, from time to time, it is necessary for the City of Wilmington to cause actions and proceedings to be instituted in court for the purpose of collecting tax arrearages, delinquent taxes, and street and sidewalk assessments due said city; and

Acquisition of real property through foreclosures.

WHEREAS, from time to time, when such real property is offered at public sale as a result of said actions and proceedings, it is often necessary for the City of Wilmington to become the last and highest bidder and the purchaser of such real property in order to protect the amounts of taxes and assessments due, and for said city to obtain deeds of conveyance and title to such properties; and

Cost of public sale of such property excessive.

WHEREAS, frequently the amounts involved and due said city are small, and the cost of public advertisement and public sale thereof, and the time and expense involved in making a sale are not justified in the interest of economy; and it is desirable in order to save time and expense and better protect the public interest that authority be granted the City of Wilmington to sell at private sale when authorized by its governing body any such tracts and parcels of real estate acquired as a result of its becoming the purchaser of any real property as aforesaid: *Now, therefore,*

Desire to grant to city authority of private sale.

The General Assembly of North Carolina do enact:

Private sale by city of property acquired through tax foreclosure sales.

SECTION 1. That the Governing Body of the City of Wilmington be and it is hereby fully authorized and empowered from time to time in its discretion to sell at private sale any and all tracts of land acquired, held and owned by it, which were acquired as result of foreclosure sales instituted to collect taxes and assessments. Upon any sale so made, any deeds and instruments in writing desirable or necessary to convey any such parcels or tracts of land, and complete the sale and conveyance thereof, and transfer of title held by the City of Wilmington to any purchaser or purchasers is also hereby fully authorized.

Deed of conveyance and transfer of title.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 593 CHAPTER 396

AN ACT TO AMEND CHAPTER 493 OF THE PUBLIC-LOCAL LAWS OF 1913 RELATIVE TO THE FILING OF ACCOUNTS AGAINST THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

Ch. 493, Public-Local Laws, 1913, relating to filing of accounts against New Hanover County, amended.

SECTION 1. Section 17 of Chapter 493 of the Public-Local Laws of the North Carolina Session of 1913, is hereby amended by striking out the words "be verified by the oath of the claimant before the auditor of said county, who is hereby authorized and empowered to administer oaths for that purpose," in lines 4, 5 and 6 immediately following the word "county" in line 4, and inserting in lieu thereof the following words: "be itemized and certified by the claimant,".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 621 CHAPTER 397

AN ACT TO PROVIDE FOR THE PAYMENT OF FEES TO THE TOWN OF CREEDMOOR WHEN DEFENDANTS OR PRISONERS ARE PLACED IN THE JAIL OF THE TOWN OF CREEDMOOR.

The General Assembly of North Carolina do enact:

Town of Creedmoor, jail fees.

SECTION 1. The Town of Creedmoor, Granville County, shall receive a fee for the admission and release of prisoners to and from the town jail in the amount of one dollar ($1.00) for each prisoner.

SEC. 2. For furnishing each prisoner with a sufficient amount of food, water and necessary attendants, the Town of Creedmoor shall receive for each such prisoner the amount of one dollars ($1.00) per day.

Fees included in bill of costs in criminal cases before Justice of Peace or Mayor's Court.

SEC. 3. In all cases in which a prisoner is charged in any criminal action before a Justice of the Peace or before the Mayor's Court of the Town of Creedmoor and is placed in the jail of the Town of Creedmoor, there shall be included in the bill of costs of said justice of the peace or mayor's court the fees set out in this Act, said fees to be paid to the Town of Creedmoor for the benefit of the town.

Fees included in bill of costs in cases appealed to recorder's court or superior court.

SEC. 4. In all cases in which any prisoner is held or is placed in the jail of the Town of Creedmoor and who appeals or is bound over to a recorder's court or the Superior Court of Granville County where, as a part of the judgment of said recorder's court or Superior Court, the defendant is adjudged to pay the costs and actually pays said costs, there shall be included in such bill of costs the fees set out in this Act, and the clerk of the recorder's court or the Superior Court shall collect and remit such fees, or any jail fees heretofore collected, to the Town of Creedmoor for the benefit of the town.

Remitted to Town of Creedmoor.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 622 **CHAPTER 398**

AN ACT TO SET THE COSTS IN CIVIL AND CRIMINAL ACTIONS IN THE COURTS OF THE JUSTICES OF THE PEACE IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Granville County, fees of Justices of the Peace.

SECTION 1. From and after March 15, 1949, the following schedule of fees and costs shall apply to all civil and criminal actions in the Courts of the several Justices of the Peace in Granville County:

Civil proceedings.

Civil Proceedings:

Continuance	$ .50
Issuing summons and entering judgment where the action is not contested	2.00
Additional defendants, each	.50
Plaintiff's undertaking	.50
Defendant's undertaking	.50
Order for removal	.50
Issuing subpoena, each witness	.25
Judgment contested each where there is no jury trial	2.50
Transcript of judgment each	.50
Issuing execution of judgment	1.00
Return notice on appeal	.50
Jury trial and entering judgment	5.00
Order for jury and drawing jury	1.50
Issuing claim and delivery proceedings each	3.00
Judgment contested in claim and delivery proceedings	2.50
Additional contesting defendants each	.50
Issuing attachment proceedings and order to seize property, each in attachment proceedings	3.00
Judgment contested, each	2.50
Additional contesting defendants, each	1.00
Signing garnishee notice for taxes for each person	.50
For each hearing and judgment entered	2.00
Probate of deed, chattel mortgage, or deed of trust for each signer thereof	.25
Hearing petition for widow's year's allowance, issuing notice to commissioners, allotting the same, making returns	5.00
Filing and docketing laborer's lien	1.00

Criminal proceedings.

Criminal Proceedings:

Return to notice of appeal	.50
Continuance	.50

Affidavit each	$ .25
Warrant each	1.50
Issuing subpoena, each witness	.25
Commitment each	.50
Recognizance each	.25
Judgment not contested, each defendant	1.50
Judgment contested each where there is no jury trial	2.50
Order for removal	.50
Trial of contested case where there is a jury	5.00
Taking bond for each defendant	.50
Capias and order	1.50
Jury trial and entering judgment	5.00
Order for jury and drawing jury	1.00
Sci Fa each	1.00
Reports to Department of Motor Vehicles, each	.50

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after March 15, 1949.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 625 **CHAPTER 399**

AN ACT TO AMEND CHAPTER 97 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE NORTH CAROLINA WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

G. S., Ch. 97, N. C. Workmen's Compensation Act, amended.

G. S. 97-2 (b), defining "Employee" amended.

SECTION 1. Chapter 97 of the General Statutes of North Carolina is hereby amended as follows: Amend Subsection (b) of Section 97-2 by adding at the end of said Subsection the following: "*Provided further* that any employee as herein defined of a municipality, county, or of the State of North Carolina while engaged in the discharge of his official duty outside the jurisdictional or territorial limits of the municipality, county, or the State of North Carolina and while acting pursuant to authorization or instruction from any superior officer, shall have the same rights under this Article as if such duty or activity were performed within the territorial boundary limits of his employer."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 626 **CHAPTER 400**

AN ACT TO ESTABLISH A JOINT PLANNING BOARD FOR THE TOWN OF HAYESVILLE AND CLAY COUNTY.

The General Assembly of North Carolina do enact:

Creation of Hayesville-Clay County Planning Board.

SECTION 1. Not less than six months from and after the effective date of this Act, the governing authority of the Town of Hayesville and the Board of County Commissioners of Clay County may meet in joint session and create a board to be known as the Hayesville-Clay County Planning Board. Said board shall consist of five members, three members of which shall be appointed to represent the Town of Hayesville, and two members shall be appointed to represent Clay County. The governing authority of the Town of Hayesville and the board of county commissioners, in joint session, may pass a resolution showing the appointments to the board and fixing the term of service of each member of said board. In case of a vacancy, the same shall be filled by a joint meeting of said governing authorities.

Membership.

Vacancy appointments.

Duties of Board.

SEC. 2. It shall be the duty of said planning board to make a careful study of the resources, possibilities and needs of the Town of Hayesville and Clay County, particularly with respect to the conditions which may be injurious to the public welfare or otherwise injurious, and to make plans for the development of said town and county, including but not by way of limitation, plans for the location of industries in said town and county, the development of tourist trade, conservation of natural resources, and the development of parks, playgrounds and recreational facilities.

Report of Board.

SEC. 3. The Hayesville-Clay County Planning Board shall make a report at least annually to the Governing Body of Clay County and the Governing Body of the Town of Hayesville, giving information regarding the condition of the town or county and any plans or proposals for the development of said town or county and estimates of the cost thereof.

Appropriations to Board.

SEC. 4. The governing body of said county and the Governing Body of the said Town of Hayesville may appropriate to such joint planning board such amount as each governing body may deem necessary to carry out the purposes for which said joint

planning board is created and for the improvement of the said county and town. The members of the planning board shall serve without compensation, but any member of the board engaged in some activity authorized by the board shall be paid his actual travel expenses and subsistence, to be approved by said board.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 649 CHAPTER 401

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF PITT COUNTY TO FIX THE SALARIES OF THE JUDGE, THE SOLICITOR, AND THE CLERK OF THE PITT COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Pitt County, Recorder's Court, increase in salaries of officials authorized.

SECTION 1. The Board of County Commissioners of Pitt County is hereby authorized, in its discretion, to increase the annual salary of the Judge of the Pitt County Recorder's Court to an amount not to exceed eighteen hundred dollars ($1,800.00); to increase the annual salary of the Solicitor of the Pitt County Recorder's Court to an amount not to exceed fifteen hundred dollars ($1,500.00); and to pay to the Clerk of the Pitt County Recorder's Court an annual salary of six hundred dollars ($600.00), to be paid in regular monthly installments. All of the salaries provided for herein are to be paid out of general county funds.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after April 1, 1949.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 650 **CHAPTER 402**

AN ACT FIXING THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Pitt County, compensation of chairman and members of Board of Education.

SECTION 1. In lieu of all other compensation and allowances, the chairman of the Pitt County Board of Education shall receive a monthly salary of twenty dollars ($20.00), and in lieu of all other compensation and allowances, the other members of said board shall receive a monthly salary of ten dollars ($10.00), all such salaries to be paid out of school funds.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 651 **CHAPTER 403**

AN ACT TO AMEND CHAPTER 376 OF THE 1947 SESSION LAWS RELATING TO COMPENSATION OF CERTAIN OFFICIALS OF PITT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 376, Session Laws, 1947, amended as to number of deputy sheriffs, Pitt County.

SECTION 1. That Section 4 of Chapter 376 of the Session Laws of North Carolina, 1947, be amended by striking out the word "two" in line 16 and inserting in lieu thereof the word "three."

Travel expenses of deputy sheriffs and salary of office deputy.

SEC. 2. That Section 4 of Chapter 376 of the Session Laws of North Carolina, 1947, be amended by striking out the words and figures, "thirty-nine hundred dollars ($3,900.00)" in lines 25 and 26 and inserting in lieu thereof the words and figures "fifty-four hundred dollars ($5,400.00)", and by striking out the word "two" in line 27 and inserting in lieu thereof the word "three".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 657 CHAPTER 404

AN ACT RELATING TO THE COMPENSATION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Chatham County, compensation of County Commissioners.

SECTION 1. Each member of the Board of County Commissioners of Chatham County shall be paid out of general county funds a per diem of ten dollars ($10.00) for each day in which such member is engaged in the discharge of the duties of his office, together with a travel allowance of five cents (5c) per mile while traveling between his residence and the county seat on official business.

Travel allowance.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 664 CHAPTER 405

AN ACT TO FIX THE FEES, COSTS AND COMMISSIONS TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

Stanly County, fees and commissions of Clerk of Superior Court.

SECTION 1. Fees, costs and commissions to be charged and collected by the Clerk of the Superior Court of Stanly County shall be as follows:

(1) Adoptions, entire proceedings and recording same before the Clerk of Superior Court, fifteen dollars ($15.00).

(2) Advertising and selling under mortgage in lieu of bond, two dollars ($2.00) for sales of real estate, and one dollar ($1.00) for sales of personal property.

(3) Appeal, docketing from clerk of any other court, one dollar ($1.00) for one defendant, ten cents (10c) for each additional defendant.

(4) Appeal to Supreme Court, including certificate and seal, two dollars ($2.00).

(5) Appeal from the clerk to the judge, one dollar ($1.00).

Stanly County, fees and commissions, Clerk Superior Court (cont'd).

(6) Appointments of administrators or guardians, application and preliminary inventory, bond, oath, order of appointment and original letter, five dollars ($5.00), each additional letter seventy-five cents (75c).

(7) Auditing fees for accounts of executors, administrators, et cetera, auditing annual or final accounts of receivers, executors, administrators, administrators with the will annexed, collectors, surviving partners, guardians, trustees for incompetents, and trustees under wills, the fee shall be fifty cents (50c) for each one hundred dollars ($100.00), or a fraction thereof, of the total receipts and disbursements through one thousand dollars ($1,000.00), and ten cents (10c) per each one hundred dollars ($100.00), or fraction thereof, on everything above one thousand dollars ($1,000.00), but in no instance shall the fee be less than one dollar and fifty cents ($1.50) nor more than one hundred dollars ($100.00) for each year, plus recording. *Provided*, that when stocks and bonds or any other personal property is delivered to any heir, distributee, legatee, or devisee, without converting the same into cash, these fees shall be computed and charged on same just as though they had been converted into cash, the value of said stocks, bonds, et cetera, to be fixed as of the date of death, or qualification of the fiduciary, the fee to be charged by the clerk at the time of filing either annual account or final account.

(8) Accounts of trustees, mortgagees and commissioners, auditing final accounts of trustees, mortgagees and commissioners appointed by the court or other persons, firms or corporations selling real estate under foreclosure proceeding required by law to render such final account, the fee shall be twenty-five cents (25c) on each one hundred dollars ($100.00) through one thousand dollars ($1,000.00), and five cents (5c) for each one hundred dollars ($100.00) for everything above one thousand dollars ($1,000.00); *provided*, the minimum fee shall be not less than one dollar and fifty cents ($1.50); and *provided*, the maximum fee shall be not more than twenty-five dollars ($25.00).

(9) Attachment, order in, one dollar ($1.00).

(10) Bill of costs, preparing, one dollar ($1.00).

(11) Bond of recognizance, including justification, for all bonds not otherwise provided for, one dollar ($1.00).

(12) Cancelling notice of lis pendens, fifty cents (50c).

(13) Capias, each defendant one dollar ($1.00), whether or not defendant is arrested.

(14) Caveat to wills, entering and docketing the same for trial, two dollars and fifty cents ($2.50), and twenty-five cents (25c) for entering on cross index as to each party in the proceeding.

Stanly County, fees and commissions, Clerk Superior Court (cont'd).

(15) Certificate and seal, fifty cents (50c), except when a charge against the county, and in that instance no fee will be charged.

(16) Commission, issuing, seventy-five cents (75c).

(17) Continuance, fifty cents (50c) in all cases.

(18) Commissions, five per cent (5%) commissions shall be allowed the clerk on all fines, penalties, amercements and taxes paid the clerk by virtue of his office, such commission to be added to fines, penalties, amercements and taxes paid the clerk by virtue of his office in the bill of costs.

(19) Commissions, the clerk shall receive three per cent (3%) on all sums of moneys placed in his hands by virtue of his office, except on judgments, decrees and executions.

(20) Return on sale by commissioner when fund is turned over to a fiduciary, one dollar ($1.00).

(21) Confirmation of sale, when signed by the clerk or judge, one dollar ($1.00).

(22) Deed, probate of deed, deed of trust, mortgage, et cetera, twenty-five cents (25c) for each certificate.

(23) Docketing ex-parte proceedings, one dollar ($1.00).

(24) Docketing indictments, fifty cents (50c).

(25) Docketing liens and lis pendens, minimum fee one dollar and fifty cents ($1.50) for one page, one dollar ($1.00) for each additional page.

(26) Docketing judgments, one dollar ($1.00).

(27) Docketing summons, one dollar ($1.00).

(28) Dower, issuing writ of dower, two dollars ($2.00).

(29) Divorce, alimony and annulment actions, noncontested. Total clerk's fee through rendition and docketing of judgment, and sheriff's fee when not over one dollar ($1.00), eighteen dollars ($18.00), to be paid at time action is instituted. The fee of eighteen dollars ($18.00) includes the true copy stamp and seal on two copies of judgment, but does not include the copying of the judgment.

(30) Execution, regular form, issuing, and docketing sheriff's return, two dollars ($2.00).

(31) Execution, issuing to another county, one dollar and seventy-five cents ($1.75).

(32) Filing papers, twenty-five cents (25c) for each paper filed.

Stanly County, fees and commissions, Clerk Superior Court (cont'd).

(33) Filing and recording report of sales by commissioners and trustees, two dollars ($2.00).

(34) Guardian, notifying solicitor of removal of guardian, one dollar ($1.00).

(35) Guardian, appointment of guardian ad litem or next friend, one dollar ($1.00).

(36) Hearing before the clerk, one dollar per hour for each hour, minimum fee to be not less than three dollars ($3.00).

(37) Indexing all matters, twenty-five cents (25c) for each name each time indexed.

(38) Impanelling jury, twenty-five cents (25c).

(39) Indictment, each defendant in the bill, one dollar ($1.00).

(40) Injunction, order for, including taking bond or undertaking and justification, one dollar ($1.00).

(41) Inventory of administrators, administrators with the will annexed, receivers, surviving partners, executors, guardians, collectors, trustees for incompetents, and trustees under will, regular form, one dollar ($1.00), each additional page one dollar ($1.00).

(42) Judgment final, term time, civil and criminal actions and before clerk, one dollar ($1.00).

(43) Judgment by confession, without notice, all services, three dollars ($3.00).

(44) Judgment in favor of widow for year support and docketing same, one dollar ($1.00).

(45) Judgment nisi, recording each, fifty cents (50c).

(46) Judgment, each certificate of satisfaction including seal, or docket entries of satisfaction, one dollar ($1.00).

(47) Justice of the peace, qualifying, fifty cents (50c).

(48) Juror ticket, including jurat, ten cents (10c).

(49) Jury tax, five dollars ($5.00) per day, or fraction thereof, to be taxed in every case in which a jury is impanelled.

(50) Motion, entry and record of, fifty cents (50c).

(51) Notice and order, all notices and orders, whether signed by judge or clerk, one dollar ($1.00).

(52) Notary public, qualifying, indexing and notification to Governor, fifty cents (50c).

(53) Nurses, doctors and pharmacists, registering, including certificate and seal, fifty cents (50c).

Stanly County, fees and commissions, Clerk Superior Court (cont'd).

(54) Order enlarging time for pleading, special proceedings and civil actions, fifty cents (50c).

(55) Order of arrest for each defendant, one dollar ($1.00).

(56) Postage, actual amount expended.

(57) Presentment, each person presented, twenty-five cents (25c).

(58) Partnership, probate of regular certificate and recording same, one dollar ($1.00).

(59) Recording, one dollar ($1.00) per page, single-spaced.

(60) Recording, certificate of corporation and limited partnerships, four dollars ($4.00) including certificate of Secretary of State, plus one dollar ($1.00) for each additional page over four pages or fraction thereof.

(61) Recording, process agent and appointing agent for nonresident, one dollar ($1.00).

(62) Recording names of jurors as required by law, ten cents (10c) for each name.

(63) Renunciation of right to administer or qualify a fiduciary, receiving, filing and noting same, fifty cents (50c).

(64) Resignation of guardian, relinquishment of right to administer or to qualify as executor, receiving, filing and noting same, fifty cents (50c).

(65) Record, transcript of any matter of record or papers on file, one dollar ($1.00) per page.

(66) Referee, stating any account as referee, pursuant to order of the judge, such allowance as the judge may make.

(67) Summons, issuing original in any action, one dollar ($1.00).

(68) Summons, every copy of same, twenty-five cents (25c).

(69) Seal of office, twenty-five cents (25c).

(70) Subpoena, each name twenty-five cents (25c).

(71) Stenographer, for court stenographer, five dollars ($5.00) for each four hours, or fraction thereof, in all cases in which the court stenographer is used.

(72) Transcript, issuing transcript of judgment to another county, one dollar ($1.00).

(73) Warrant, one dollar ($1.00).

(74) Witness ticket, including jurat, ten cents (10c).

Stanly County, fees and commissions, Clerk Superior Court (cont'd).

(75) Wills, executed, holograph and nuncupative, application for probate, examination of witnesses, one verified copy of will to executor, order of probate, indexing and recording will, if not over three pages, seven dollars and fifty cents ($7.50). For each additional page, or fraction thereof, one dollar ($1.00).

(76) Widows' year support, docketing, one dollar ($1.00).

(77) No jury tax to be charged in civil cases when clerk signs judgment.

(78) Keeping minutes of the court in term time, and making up bar dockets and deputy hire for each term of court, seventy-five dollars ($75.00), to be paid out of the general county funds.

(79) That the Board of Commissioners of Stanly County may allow or pay to the Clerk of Superior Court of Stanly County for his services as judge of the juvenile court, a sum not exceeding fifty dollars ($50.00) per month.

(80) Jail fees to be taxed against defendants in county recorders court at seventy-five cents (75c) per day and turn key sixty cents (60c).

Appilcation of general law relating to fees, costs, and commissions.

SEC. 2. All fees, costs and commissions not provided for herein shall be taxed and charged in accordance with the provisions of Section 2-26 of the General Statutes and other provisions of the general law relating to fees, costs and commissions to be charged and taxed by Clerks of the Superior Court; and the Clerk of the Superior Court of Stanly County is hereby authorized to tax, charge and collect all such fees, costs and commissions provided by the general law and in the amount allowed by the general law, except as herein otherwise provided.

Collection of fees in accordance with G. S. 138-2.

SEC. 3. The fees, costs and commissions herein authorized shall be collected by the Clerk of the Superior Court of Stanly County in accordance with the provisions of Section 138-2 of the General Statutes.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict herewith, and to the extent of such conflict, are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after the thirtieth day following its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 667 CHAPTER 406

AN ACT RELATING TO COURT COSTS IN THE MAYOR'S COURT OF THE TOWN OF WHITAKERS, IN NASH AND EDGECOMBE COUNTIES.

The General Assembly of North Carolina do enact:

Town of Whitakers, Mayor's Court, patrol car fee taxed as part of cost in criminal cases.

SECTION 1. In every criminal case tried in the Mayor's Court of the Town of Whitakers of which action the mayor's court has final jurisdiction, an additional sum of two dollars ($2.00) shall be taxed as a part of the costs in every case in which the defendant or prosecuting witness or prosecutor is ordered to pay the costs, which said two dollars ($2.00), to be known as the patrol car fee, shall be paid into the general fund of the town, and shall be used to assist in defraying the expense of operating a police patrol car by said town to apprehend criminals and for the general protection of the citizens of the town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective thirty days after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 671 CHAPTER 407

AN ACT TO AMEND CHAPTER 134, PUBLIC LAWS, ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, HAVING TO DO WITH THE FEES AND COMMISSIONS COLLECTED BY THE SHERIFF, CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, AND TREASURER OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 134, Public-Local Laws, 1921, amended. Wake County, payment of fees, etc., into general fund.

SECTION 1. That Chapter 134 of the Public-Local Laws of 1921, be and is hereby amended by striking out Section 1 of said Chapter and inserting in lieu of said Section the following:

"That all moneys coming into the hands of the Treasurer of Wake County, from fees, commissions, and emoluments of the several officers of Wake County, shall be paid over or credited by the treasurer to the General Fund of Wake County. The salaries of the several county officers and assistants, deputies and clerks, shall be paid from and out of the General County Fund of Wake County."

Payment of salaries from General Fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after June 30, 1949.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 716 **CHAPTER 408**

AN ACT RELATING TO THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS OF VANCE COUNTY TO INCREASE THE COMPENSATION OF CERTAIN COUNTY OFFICERS AND EMPLOYEES WHICH ARE NOW FIXED BY STATUTE.

The General Assembly of North Carolina do enact:

Vance County, increase in salaries of officials and employees authorized.

SECTION 1. The Board of County Commissioners of Vance County is hereby authorized and empowered to increase the base salaries of all officers and employees of the county, except the judge and solicitor of the recorder's court, whose salaries are fixed by statute, by not more than twenty per cent (20%) of the amount so fixed by statute.

Termination of authorized increases.

SEC. 2. The increases in the salaries of the officers and employees shall terminate June 30th, 1951 unless the authority to increase such salaries is later given by the General Assembly of North Carolina.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 717 **CHAPTER 409**

AN ACT RELATING TO THE CONSOLIDATION OF THE MUNICIPAL COURT OF THE CITY OF HENDERSON WITH THE RECORDER'S COURT OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 332, Private Laws, 1913, amended to repeal section creating Municipal Court of Henderson.

Transfer of pending cases to Vance County Recorder's Court.

SECTION 1. Section 12 of Chapter 332 of the Private Laws of 1913, creating the Municipal Court of the City of Henderson, is repealed. All cases pending in said court on the effective date of this Act are transferred to the Recorder's Court of Vance County and all of the powers, jurisdiction, criminal and civil, and duties now imposed upon said municipal recorder's court are hereby vested in and imposed on the Recorder's Court of Vance County.

Revenues derived from court deposited in separate fund.

Payment of fines, etc., to county school fund.

Allocations to general funds of county and city.

SEC. 2. The clerk of said recorder's court shall collect all fees, costs, fines and forfeitures and other revenues derived from said court and deposit the same in a separate fund. The said clerk shall turn over to the county school fund the clear proceeds of all penalties, forfeitures and fines collected, as required by Article 9, Section 5, of the Constitution of North Carolina, and all costs and other revenues from said court, after the payment of the salaries of the recorder, prosecuting attorney and clerk, and other expense of its operation, shall be turned over one-half to the county general fund and one-half to the City of Henderson general fund monthly.

Salaries of court officials.

Provision for payment of salaries.

SEC. 3. The recorder of said court shall receive a salary of two hundred fifty dollars ($250.00) per month, and the prosecuting attorney shall receive a salary of two hundred twenty-five dollars ($225.00) per month, and the clerk of said court the sum of one hundred twenty-five dollars ($125.00) per month. In the event that the revenues from said court, other than penalties, forfeitures and fines, is insufficient to pay the salaries of said officers or any part thereof, such sums in excess of said revenues shall be paid out of the General Fund of Vance County.

Terms of incumbent recorder and solicitor.

Vacancy appointments.

Election of succeeding recorder and solicitor.

Vacancy appointments.

SEC. 4. The incumbent recorder and solicitor shall continue to hold office for the term for which they have been elected or appointed. Any vacancy occurring in either of said offices caused by expiration of the term thereof, or for any other cause, shall be filled at a joint session of the Vance County Board of Commissioners and the governing body of the City of Henderson, each member of said board of county commissioners and the governing body of the City of Henderson shall have one vote in said election. In the primary and general election of 1950, and biennially thereafter, the recorder and solicitor for said court shall be nominated and elected in the same manner as members of the General Assembly. Any vacancy occurring in either of said offices or the clerk, shall be filled by the governing bodies of the two units for the unexpired term as above prescribed.

SEC. 5. The governing bodies of the County of Vance and the City of Henderson shall name the clerk of said recorder's court in the same manner as it fills vacancies and for a term to be fixed by said boards. The said governing bodies may name the Clerk of Superior Court as ex-officio clerk of said recorder's court, in which event he shall receive in addition to the compensation he now receives as Clerk of Superior Court the salary authorized in Section 3 hereof for services rendered as clerk of said recorder's court, or they may select some other person to serve as said clerk, in which event the person so selected shall have all the power and authority to perform all of the duties pertaining to said court as that vested in the Clerk of Superior Court as clerk of said court. He may issue warrants and all other processes to be issued by said court and make the same returnable before the recorder thereof. The Chief of Police and the Assistant Chief of Police, the day and night desk Sergeants of the City of Henderson shall have full power and authority to issue warrants and other criminal processes and make the same returnable before the recorder of said court.

Appointment and term of clerk.

Duties of clerk.

Authority of police officials to issue process.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 749 CHAPTER 410

AN ACT TO FIX THE SALARY AND EXPENSES OF THE SHERIFF OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The salary of the Sheriff of Forsyth County shall be seven thousand ($7,000.00) dollars per year, effective as of January 1, 1949, payable in twelve equal monthly installments or, at the election of the Forsyth County Board of Commissioners, in twenty-four equal semi-monthly installments.

Forsyth County, salary of Sheriff.

SEC. 2. The Sheriff of Forsyth County shall continue to receive $1500.00 a year for expenses as is now provided by law, in addition to the salary of $7,000.00 provided for in this Act, the expenses to be payable in twelve equal monthly installments or, at the election of the Forsyth County Board of Commissioners, in twenty-four equal semi-monthly installments.

Expense allowance of Sheriff.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act to be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 752 CHAPTER 411

AN ACT RELATING TO THE FEES OF THE JAILER OF THE COUNTY OF COLUMBUS.

The General Assembly of North Carolina do enact:

Columbus County, fees of jailer.

SECTION 1. The Jailer of the County of Columbus shall receive a fee for furnishing each prisoner with a sufficient amount of food, water and necessary attendance, in an amount not to exceed one dollar ($1.00) per day for each prisoner, said amount to be fixed by the County Commissioners of Columbus County, in their discretion, and to be paid by the County Commissioners of Columbus County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

S. B. 159 CHAPTER 412

AN ACT TO AMEND G. S. 20-97 WITH RESPECT TO POWER OF MUNICIPALITIES TO LEVY LICENSE AND PRIVILEGE TAXES UPON THE DOING OF A TAXICAB BUSINESS, AND MAKING SAID ACT APPLICABLE ONLY TO THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

G. S. 20-97, amended.

SECTION 1. G. S. 20-97 is amended by adding a new paragraph at the end thereof to read as follows:

City of Durham, levy of additional license and privilege taxes upon taxicabs.

"Notwithstanding any other provisions of this Section, the City of Durham may levy, in addition to the one dollar ($1.00) per year, therein set forth, license and privilege taxes upon any person, firm, or corporation doing a taxicab business in such city or town not in excess of fifty dollars ($50.00) per annum per vehicle operated in said business."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

S. B. 161 CHAPTER 413

AN ACT PERMITTING DAVIDSON COUNTY TO AUTHORIZE BONDS FOR SCHOOL PURPOSES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF SIX MILLION DOLLARS NOTWITHSTANDING THE LIMITATION OF DEBT FOR SUCH PURPOSES IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

SECTION 1. That, pursuant to the provisions of The County Finance Act (Article 9 of Chapter 153 of the General Statutes of North Carolina) the Board of Commissioners for the County of Davidson, North Carolina, is hereby authorized and empowered to pass a bond order or bond orders authorizing the issuance of bonds of said county for school purposes as provided in clause (a) of Section 153-77 of said General Statutes, in the maximum aggregate principal amount of $6,000,000, notwithstanding any limitation contained in Section 153-87 of said General Statutes. Davidson County, bond issue for school purposes authorized. Exemption from limitation provided in G. S. 153-87.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

S. B. 182 CHAPTER 414

AN ACT TO AMEND G. S. 2-29 SO AS TO AUTHORIZE THE CLERK OF SUPERIOR COURT OF CATAWBA COUNTY TO COLLECT TEN DOLLARS ($10.00) FOR ADVANCED COURT COST.

The General Assembly of North Carolina do enact:

G. S. 2-29, amended as to advance court costs, Catawba County.

SECTION 1. G. S. 2-29, in so far as the same relates to Catawba County, is amended by striking out the words and figures "$7.50" in lines 4 and 5 and substituting in lieu thereof the words and figures "$10.00."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

S. B. 217 CHAPTER 415

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Cherokee County, nomination of candidates for members of Board of Education.

SECTION 1. In Cherokee County, there shall be nominated in the year of 1950, and biennially thereafter, at the party primaries, at the same time and in the same manner as that in which other county officers are nominated, five candidates by each political party of the State, for members of the County Board of Education of Cherokee County to take the place of the members of said board whose term next expires. The five candidates shall be portioned in the county in the following manner:

Nomination by districts.

There shall be nominated one candidate from each of the three county commissioner districts established by Chapter 526 of the Public-Local Laws of the Session of 1935, and two candidates from the county at large. The names of the persons so nominated shall be duly certified by the chairman of the county board of elections, within ten days after their nomination is declared by said county board of elections, to the Superintendent of Public Instruction, who shall transmit the names of such persons so nominated, together with the name of the political party nominating them, to the chairman of the committee on education in the next session of the General Assembly within ten days after it convenes. The General Assembly shall elect or

Certification of candidates to Superintendent of Public Instruction.

Transmission to committee on education in General Assembly.

appoint from the candidates so nominated the members of the County Board of Education of Cherokee County, but such election or appointment shall provide for one member of each of the county commissioner districts as above set forth, and two members from the county at large. Upon failure of the General Assembly to elect or appoint members as herein provided, such failure shall constitute a vacancy, which shall be filled by the State Board of Education. The term of office of each member shall begin on the first Monday in April of the year in which he is elected and shall continue until his successor is elected and qualified.

Appointment of members of Board of Education by General Assembly.

Vacancy appointments.

Terms of office.

SEC. 2. Except as herein provided, all of the duties, powers and responsibilities of the County Board of Education of Cherokee County shall be as provided in Article 5 of Chapter 115 of the General Statutes of North Carolina, beginning with Section 115-39 of the General Statutes and continuing through Section 115-53, as amended or as the same may be amended.

Powers and duties of Board of Education.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

S. B. 229 **CHAPTER 416**

AN ACT AUTHORIZING THE GRADED SCHOOL BOARD OF THE CITY OF CONCORD TO APPOINT ITS OWN TREASURER AND TO ADMINISTER LOCAL SCHOOL FUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. The Graded School Board of the City of Concord Administrative School Unit shall have the power and authority, in its discretion, to designate, prescribe and control the method by which funds levied and collected by the City of Concord for the school fund shall be handled, and shall further be empowered to designate a treasurer of the board. The treasurer so designated shall enter into bond in such amount and with sureties satisfactory to said board, and the official charged with the collection of taxes for the City of Concord shall turn over to such treasurer all moneys collected for and due the School Fund of the City of Concord Administrative School Unit.

City of Concord, administration of school funds by Graded School Board.

Appointment and bond of treasurer.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 35 CHAPTER 417

AN ACT TO AMEND G. S. 50-5 RELATING TO RESIDENCE REQUIREMENTS IN ACTIONS FOR ABSOLUTE DIVORCE.

The General Assembly of North Carolina do enact:

G. S. 50-5, amended.

SECTION 1. G. S. 50-5 is hereby amended by adding at the end thereof the following:

Actions for absolute divorce; residence requirements.

"In any action for absolute divorce upon any of the grounds set forth in this Section, allegation and proof that the plaintiff or defendant has resided in North Carolina for at least six months next preceding the filing of the complaint shall constitute compliance with the residence requirements for prosecuting any such action for divorce."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective on the first day of July, 1949.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 101 CHAPTER 418

AN ACT TO AMEND GENERAL STATUTES, SECTION 58-177, RELATING TO THE FORM OF STANDARD FIRE INSURANCE POLICY.

The General Assembly of North Carolina do enact:

G. S. 58-177, providing form of standard fire insurance policy, amended.

SECTION 1. That Subsection (c) of Section 58-177 of the General Statutes of North Carolina be amended by striking out the period after the word "restrictive" in line 10, paragraph (c), and adding the following: "except for such restrictions as are provided for in the charter or bylaws of a domestic mutual fire insurance company doing business in no more than three adjacent counties of the State and chiefly engaged in writing policies of insurance on rural properties upon an assessment or non-premium basis, provided all such restrictions contained in

the charter and bylaws of such domestic mutual fire insurance company shall be actually included within the printed terms of the policy contract so affected as a condition precedent to their being effective and binding on any policyholder."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 151 CHAPTER 419

AN ACT TO PROVIDE FOR PRE-TRIAL HEARINGS IN CIVIL CASES.

The General Assembly of North Carolina do enact:

Pre-trial dockets to be maintained by Clerks of Superior Courts.

SECTION 1. The Clerk of the Superior Court of every county shall maintain a pre-trial docket. Upon written request of counsel for any party, filed with the clerk and served upon counsel for all other parties after issue has been joined and not less than ten days prior to the term at which the case is to be tried, a civil case, except a case specified in Section 5 hereof, shall be placed on this docket. The judge holding court in the district or the presiding judge, at any time after issue has been joined, may, in his discretion, order that any civil case except a case specified in Section 5 hereof, be placed on the pre-trial docket. Except by order of the presiding judge, no case on this docket shall be tried until a pre-trial order has been entered therein in conformity with this Act, but this shall not be construed to prohibit the calendaring of any case for trial prior to the pre-trial hearing or the entry of such order.

Cases placed on docket upon request of counsel or by order of Court.

Pre-trial hearings on the first day of civil terms.

Pre-trial hearings in the cases on the pre-trial docket shall be held on the first day of every term of Superior Court for the trial of civil cases only, preference being given to those cases on such docket which are calendared for trial at the same term. The attorneys for the parties shall appear before the presiding judge to consider:

Matters for consideration at pre-trial hearings.

1. Motions to amend or supplement any pleading.

2. The settling of the issues.

3. The advisability or necessity of a reference of the case, either in whole or in part.

4. The possibility of obtaining admissions of facts and of documents which will avoid unnecessary proof.

5. Facts of which the court is to be asked to take judicial notice.

6. The determination of any other matters which may aid in the disposition of the case.

7. In the discretion of the presiding judge, the hearing and determination of any motion, or the entry of any order, judgment or decree, which the presiding judge is authorized to hear, determine, or enter at term.

Entry of pre-trial order.

Following the hearing the presiding judge shall enter an order reciting the stipulations made and the action taken. Such order shall control the subsequent course of the case unless in the discretion of the trial judge the ends of justice require its modification.

After the entry of the pre-trial order, the case shall stand for trial and may be tried at the same term in which the pre-trial hearing is held or at a subsequent term, as ordered by the judge.

Presiding Judge determines time allotted to hearings.

SEC. 2. The presiding judge may devote any additional day or days of the term to pre-trial hearings as he may find necessary or desirable. In the event pre-trial hearings, herein provided for, do not consume the whole of the first day of the term, the presiding judge may proceed to the consideration of the motion docket or any other matters not requiring the intervention of a jury. At the time jurors are to be summoned for the first week of the term, the Clerk of the Superior Court shall determine whether it is probable that the pre-trial docket and other matters not requiring the intervention of a jury will consume the first day of the term and, in accordance with such determination, shall direct the sheriff to summon the jurors for the first or second day of the term.

Clerk to direct Sheriff as to summoning of jurors.

Pre-trial hearings out of term upon agreement of parties.

SEC. 3. Upon agreement of counsel for all parties to any civil case, the resident judge or the regular judge holding the courts in the district may hold pre-trial hearings out of term and in or out of the county or district. At any such hearing the authority of the judge shall be the same as at pre-trial hearings conducted at term time.

Disposition of pre-trial docket at mixed terms.

SEC. 4. At terms of the Superior Court devoted to both civil and criminal matters, the pre-trial docket shall be the order of business after the criminal docket has been disposed of, or may be considered earlier in the discretion of the presiding judge.

Application of Act.

SEC. 5. The provisions of this Act shall not apply to uncontested divorce cases or to proceedings after judgment by default, and shall apply to special proceedings only after transfer to the civil issue docket.

Effective date.

SEC. 6. For purposes of permitting pre-trial hearings to be held under Section 3 hereof, this Act shall be in full force and effect from and after its ratification. With respect to pre-trial hearings to be held under Section 1 or Section 4 hereof, this Act shall become effective as to civil cases in which issue is joined on or after October 1, 1949.

Pre-trial hearings in county and municipal courts, etc.

SEC. 7. Effective October 1, 1949, the judge of every court, other than the Superior Court, having jurisdiction to try civil cases beyond the jurisdiction of a justice of the peace, may in his discretion, upon not less than five days notice, direct the attorneys in any civil case at issue in his court, including those in which issue was joined prior to October 1, 1949, to appear before him for a pre-trial hearing for consideration of the matters set forth in Section 1 hereof. Upon request for pre-trial hearing by the attorney for any party to a civil case at issue in his court, the judge shall, upon not less than five days notice to the attorneys for the other parties, order such a pre-trial hearing. After each such pre-trial hearing, the judge shall enter an order as contemplated by Section 1 hereof.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 462

CHAPTER 420

AN ACT TO AMEND G. S. 7-101 PERTAINING TO THE ESTABLISHMENT BY COUNTIES OR CITIES OF DOMESTIC RELATIONS COURTS.

The General Assembly of North Carolina do enact:

G. S. 7-101, establishment of domestic relations courts, amended.

SECTION 1. That Section 7-101 of the General Statutes of North Carolina, 1943, is hereby amended by inserting between the words "county" and "seat" in line 2 a comma followed by the words "population of eighty-five thousand or more or having a county".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

H. B. 559 CHAPTER 421

AN ACT TO AMEND CHAPTER 291 OF THE PUBLIC-LOCAL LAWS OF 1935, RELATING TO OFFICERS' FEES FOR CAPTURE OF STILLS AND DISTILLERIES IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 291, Public-Local Laws, 1935, amended to increase officers' fee for capture of distillers, Franklin County.

SECTION 1. Section 1 of Chapter 291 of the Public-Local Laws of 1935 is hereby amended by striking out the word "ten" which appears after the word "of" and before the word "dollars" in line 7 of said Section and substituting in lieu thereof the word "twenty."

SEC. 2. Section 2 of Chapter 291 of the Public-Local Laws of 1935 is hereby amended by striking out the words "of ten dollars" which appear after the word "sum" and before the word "is" in lines 4 and 5 of said Section.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1949.

S. B. 123 CHAPTER 422

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF CLEVELAND COUNTY TO INVEST PROCEEDS OF THE SALE OF COUNTY HOSPITAL BONDS HERETOFORE ISSUED.

The General Assembly of North Carolina do enact:

Cleveland County, investment of proceeds of county hospital bonds.

SECTION 1. The Board of County Commissioners of Cleveland County is hereby authorized to invest or reinvest, as hereinafter provided, all or any part of the proceeds of the sale of the bonds heretofore issued by said county, designated as "county hospital bonds" and dated February 1st, 1946. Such investment or reinvestment shall be made only upon request of the Board of Trustees of Shelby Hospital, or other officer or governing authority having control or custody of said proceeds, or any part of same.

Investment in U. S. Treasury Certificates.

SEC. 2. The said proceeds may be invested or reinvested in United States Treasury Certificates of Indebtedness: *Provided,* however, that interest earned from such investment shall be

Application of interest.

applied to payment of principal and/or interest maturing on said bonds, and, *provided, further,* that nothing in this Act shall

be construed as authorizing application of the money realized from such investment, except interest, to any purpose other than the purpose for which said bonds were issued.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

S. B. 141 **CHAPTER 423**

AN ACT TO INCREASE THE SALARY OF THE CLERK OF SUPERIOR COURT OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The salary of the Clerk of Superior Court of Wake County shall be six thousand five hundred dollars ($6500.00) per year, payable in equal monthly installments. Wake County, salary of Clerk Superior Court.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the first day of April, 1949. Effective date.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

S. B. 155 **CHAPTER 424**

AN ACT TO AMEND CHAPTER 96, GENERAL STATUTES OF NORTH CAROLINA, KNOWN AS THE EMPLOYMENT SECURITY LAW, TO PROVIDE FOR A REDUCTION IN THE RATE OF CONTRIBUTIONS, AN INCREASE IN AND EXTENSION OF BENEFIT PAYMENTS, A CHANGE IN THE DEFINITION OF EMPLOYMENT, AND TO FURTHER CLARIFY THE PROVISIONS OF SAID CHAPTER.

The General Assembly of North Carolina do enact:

SECTION 1. That Article 1, Chapter 96, Section (4), Subsection (1), paragraph (1), subparagraph (D), General Statutes of North Carolina, be and the same is hereby amended by striking out after the word "contributions" in line 9 and before the word "as" in line 10 thereof the following: "and the actual earnings thereon." G. S. 96-4, amended as to reciprocal arrangements of Unemployment Compensation Commission.

G. S. 96-5, unemployment compensation administration fund, amended.

SEC. 2. That Article 1, Chapter 96, Section (5), General Statutes of North Carolina, be and the same is hereby amended by adding thereto a new Subsection (d) as follows:

Requisition of funds from account in Unemployment Trust Fund, U. S. Treasury.

"(d) The other provisions of this Section and Section 96-6, to the contrary notwithstanding, the commission is authorized to requisition and receive from its account in the Unemployment Trust Fund in the Treasury of the United States of America, in the manner permitted by Federal law, such moneys standing to its credit in such fund, as are permitted by Federal law to be used for expense of administering this Act and to expend such moneys for such purpose, without regard to a determination of necessity by a Federal agency. The State Treasurer shall be treasurer and custodian of the amounts of money so requisitioned. Such moneys shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury."

Custodian of requisitioned funds.

Administration and disbursement.

G. S. 96-8 (f), amended as to definition of "Employer."

SEC. 3. That Article 2, Chapter 96, Section (8), Subsection (f), paragraph (1), General Statutes of North Carolina, be and the same is hereby amended by striking out the words "*Provided, however,*" in lines 8 and 9 thereof, and inserting in lieu thereof the following: "*Provided,* for the purpose of this Subsection, when a calendar week falls partly within each of two calendar years, such week shall be deemed to be within the calendar year within which such week ends: *Provided further,*".

G. S. 96-8 (f), further amended.

SEC. 4. That Article 2, Chapter 96, Section (8), Subsection (f), paragraph (6), General Statutes of North Carolina, be and the same is hereby amended by striking out said paragraph and inserting in lieu thereof the following:

Additional definition of "Employer."

"(6) Any employing unit not an employer by reason of any other paragraph of this Subsection, for which, within any calendar year, services in employment are or were performed with respect to which such employing unit is or was liable for any Federal tax against which credit may or could have been taken for contributions required to be paid into a State unemployment compensation fund; *provided* that such employer, notwithstanding the provisions of Section 96-11, shall cease to be subject to the provisions of this Chapter during any calendar year if the commission finds that during such period the employer was not subject to the provisions of the Federal Unemployment Tax Act and any other provision of this Chapter."

G. S. 96-8 (g), amended.

SEC. 5. That Article 2, Chapter 96, Section (8), Subsection (g), paragraph (1), General Statutes of North Carolina, be and the same is hereby amended by striking out said paragraph and inserting in lieu thereof the following:

"Employment" defined.

"(1) 'Employment' means service performed prior to January 1, 1949, which was employment as defined in this Chapter prior to such date, and any service performed after December

31, 1948, including service in interstate commerce, except employment as defined in the Railroad Retirement Act and the Railroad Unemployment Insurance Act, performed for wage or under any contract of hire, written or oral, express or implied, in which the relationship of the individual performing such service and the employing unit for which such service is rendered is, as to such service, the legal relationship of employer and employee. *Provided, however,* the term 'employee' includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules."

SEC. 6. That Article 2, Chapter 96, Section (8), Subsection (g), General Statutes of North Carolina, be further amended by striking out from said Subsection paragraph (6) thereof, including subparagraphs (A), (B), and (C), and that paragraphs (7) and (8) be renumbered (6) and (7) respectively.

G. S. 96-8 (m), amended as to definition of "wages."

SEC. 7. That Article 2, Chapter 96, Section (8), Subsection (m), General Statutes of North Carolina, be and the same is hereby amended by inserting in the third line thereof after the word "that" and before the word "wages" the following: "from and after March 18, 1947,".

G. S. 96-8 (n), amended as to items not included in the term "wages."

SEC. 8. That Article 2, Chapter 96, Section (8), Subsection (n), General Statutes of North Carolina, be and the same is hereby amended by striking out the period at the end of said Subsection and inserting in lieu thereof the following: ": *Provided, further,* wages shall not include payment by an employer without deduction from the remuneration of the employee of the tax imposed upon an employee under the Federal Insurance Contributions Act."

G. S. 96-8 (r), amended as to definition of "benefit year."

SEC. 8½. That Article 2, Chapter 96, Section (8), Subsection (r), General Statutes of North Carolina, be and the same is hereby amended by striking out in line 14 of said Subsection the words "one hundred and thirty dollars" which immediately follows the word "least" in line 13 of said Subsection, and which are immediately followed by the word "in" contained in line 14 of said Subsection, and inserting in lieu thereof the following: "two hundred dollars ($200.00)".

G. S. 96-9 (b), amended as to determination of variations from standard rate of contribution.

SEC. 9. That Article 2, Chapter 96, Section (9), Subsection (b), paragraph (4), subparagraph (B), General Statutes of North Carolina, be and the same is hereby amended by striking out said subparagraph (B) in its entirety and inserting in lieu thereof the following:

"(B) If, as of any computation date, the cumulative total of all an employer's contributions which were paid and accredited to his reserve account before such computation date exceeds the

cumulative total benefits which were chargeable to his reserve account and were paid before such computation date; and if such excess of contributions over benefits paid and chargeable to such account equals that percentage of his wages by which contributions were measured during the thirty-six consecutive calendar-month period ending June thirtieth preceding such computation date, which percentage is shown in Column 1 of the table below, and is less than the percentage opposite thereto in Column 2 of the table below, his contribution rate in the ensuing calendar year beginning on or after January 1, 1949, shall be equal to that percentum of the wages paid for employment by him during such ensuing year, which is shown in Column 3 of the table below. Of the payments so made, there shall be credited to the partially pooled account the percentage of wages for employment paid by him during such calendar years which is shown opposite thereto in Column 4 of the table below, and there shall be credited to the reserve account of the employer that percentage of the wages for employment paid by him during such calendar year, which is shown opposite thereto in Column 5 of the table below:

Column 1 As much as but	Column 2 Less than	Column 3 Rate of Contrib.	Column 4 Cr. Pool Account	Column 5 Credit Reserve Account
	2.5%	2.70%	.10%	2.60%
2.5%	2.8	2.00	.10	1.90
2.8	3.1	1.50	.10	1.40
3.1	3.4	1.00	.10	.90
3.4	3.8	.80	.10	.70
3.8	4.2	.60	.10	.50
4.2	4.6	.40	.10	.30
4.6	5.	.20	.10	.10
5% & in excess thereof		.10	.10	0

G. S. 96-9 (c), amended as to employer's reserve account.

SEC. 10. That Article 2, Chapter 96, Section (9), Subsection (c), paragraph (1), General Statutes of North Carolina, be and the same is hereby amended by striking out the last sentence therein and inserting in lieu thereof the following:

Ratio of credit to reserve account.

"Irrespective of any other provisions of this Chapter, all contributions paid by an employer during a calendar year shall be credited to the reserve account of such employer if on the computation date in the preceding calendar year the funds in the partially pooled account amounted to as much as twenty-five million dollars ($25,000,000.00), this provision to be first effective as to contributions paid on and after April 1, 1949. If the amount of funds in the partially pooled account as of the computation date is less than twenty-five million dollars ($25,000,000.00), the reserve account of the employer shall be credited during the ensuing calendar year with the contributions

paid during such calendar year less an amount equal to one-tenth of one per cent of the wages by which such contributions were measured, which one-tenth of one per cent shall be credited to the partially pooled account. *Provided further,* that if on the computation date, beginning first with August 1, 1948, the funds in the partially pooled account amount to as much as twenty-five million dollars ($25,000,000.00), the ratio of the credit balance in each individual reserve account to the total of all the credit balances in all employer reserve accounts shall be computed as of such computation date and an amount equal to the interest credited to this State's account in the Unemployment Trust Fund in the Treasury of the United States for the four most recently completed calendar quarters shall be charged prior to the next computation date to the partially pooled account and credited on a pro rata basis to all employers' reserve accounts having a credit balance on the computation date. Such amount shall be prorated to the individual reserve accounts in the same ratio that the credit balance in each individual reserve account bears to the total of the credit balances in all such reserve accounts. No provision of this Section shall in any way be subject to or affected by any provisions of the Executive Budget Act as amended."

G. S. 96-9 (c), amended as to charging of benefit payments.

SEC. 11. That Article 2, Chapter 96, Section (9), Subsection (c), paragraph (2), General Statutes of North Carolina, be and the same is hereby amended by striking out said paragraph in its entirety, and inserting in lieu thereof the following:

Payments from employer's reserve account.

"(2) Charging of Benefit Payments. (A) All benefits for weeks of unemployment paid during the period beginning with the last computation date and ending on July thirty-first of each year to any eligible individual shall be paid out of the reserve account of such individual's employer or employers by whom he was employed during his base period. In accordance with the regulations of the commission, such payments shall be charged against all employers of such individual during his base period in the same ratio that the wages paid to such individual by each base period employer bears to the total wages paid him by all his employers during the base period, except as provided in subparagraph (B) of this paragraph. In the event an employer's credits in his reserve account become exhausted through the payment of benefits chargeable to such account, the benefit payments which are chargeable to such account shall be paid out of the partially pooled account and at the same time the reserve account of the employer shall be debited accordingly. Whenever through inadvertence or mistake erroneous charges or credits are found to have been made to reserve accounts, the same shall be readjusted as of the date of discovery and such readjustment shall not affect any computation made under this Section prior to the date of discovery.

Payments from partially pooled account.

Readjustment of errors of charge or credit to reserve account.

Benefits charged to partially pooled account in event of voluntary separation or discharge for misconduct.

"(B) Any benefits paid to any claimant under a claim filed for a period occurring after the date of such separations as are set forth in this subparagraph and based on wages earned prior to the date of (a) the voluntary leaving of work by the claimant without good cause attributable to the employer, or (b) the discharge of claimant for misconduct in connection with his work, shall not be charged to the reserve account of the employer by whom claimant was employed at the time of such separation, but any such benefits chargeable under the provisions of subparagraph (A) of this Subsection to the reserve account of such employer shall be charged to the partially pooled account; this provision to be effective as to benefits paid for periods of unemployment which establish benefit years following separations occurring after June 30, 1949. All benefits paid claimants during benefit years existing as of June 30, 1949, and for periods of unemployment which establish benefit years following separations occurring prior to July 1, 1949, shall be charged in accordance with the provisions of this Chapter as in effect immediately prior to the effective date of this Amendment notwithstanding the repeal of the provisos formerly contained in Section 96-14, Subsections (a) and (b) of the General Statutes: *Provided, however,* said employer promptly furnishes the commission with such notices regarding the separation of the individual from work as are or may be required by the regulations of the commission."

Effective date of provision.

G. S. 96-9 (c), amended as to transfer of reserve account.

SEC. 12. That Article 2, Chapter 96, Section (9), Subsection (c), paragraph (4), General Statutes of North Carolina, be and the same is hereby amended by striking out said paragraph in its entirety and inserting in lieu thereof the following:

"(4) Transfer of Reserve Account. (A) Whenever any individual, group of individuals, or employing unit, who or which, in any manner, succeeds to or acquires substantially all or a distinct and severable portion of the organization, trade, or business of another employing unit as provided in Section 96-8, Subsection (f), paragraph (2), the reserve account or that part of the reserve account of the predecessor which relates to the acquired portion of the business shall, upon the mutual consent of the parties concerned and approval of the commission in conformity with the regulations as prescribed therefor, be transferred as of the date of acquisition to the successor employer for use in the determination of his rate of contributions, *provided* that after the transfer the successor employing unit continues to operate the transferred portion of such organization, trade, or business. This provision shall not be retroactive with respect to the transfer of a part of a reserve account of the predecessor in those cases in which an employing unit succeeds to or acquires a distinct and severable portion of the organization, trade, or business of another employing unit as provided in Section 96-8, Subsection (f), paragraph (2), and shall apply only when the transfer of such distinct

and severable portion of the organization, trade, or business of another occurs after the effective date of this Act. *Provided further,* in those cases when the successor acquires a distinct and severable portion of the organization, trade, or business of another employing unit as provided in Section 96-8, Subsection (f), paragraph (2), any benefits paid during benefit years in progress on the date upon which the transfer is approved by the commission shall be charged to the reserve account of the predecessor. In those cases in which the reserve account is transferred to the successor in toto, all benefit payments shall be charged to the account of the successor.

Rate of contribution of successor employer.

"(B) Notwithstanding any other provisions of this Section, if the successor employer was an employer subject to this Act prior to the date of acquisition, his rate of contributions for the period from such date to the end of the then current contribution year shall be the same as his rate with respect to the period immediately preceding the date of acquisition. If the successor was not an employer prior to the date of the acquisition, his rate shall be the rate applicable to the predecessor employer or employers with respect to the period immediately preceding the date of acquisition, provided there was only one predecessor, or if more than one and the predecessors had identical rates. In the event the rates of the predecessors were not identical, the rate of the successor shall be the highest rate applicable to any of the predecessor employers with respect to the period immediately preceding the date of acquisition."

G. S. 96-9 (c), further amended.

SEC. 13. That Article 2, Chapter 96, Section (9), Subsection (c), General Statutes of North Carolina, be and the same is hereby amended by adding to said Subsection an additional paragraph numbered (5) as follows:

Maintenance of reserve account when employer ceases to be subject to Act.

"(5) In the event any employer subject to this Chapter ceases to be such an employer, his reserve account shall be maintained for a period of five years from the termination date, and shall be charged with benefits paid to any individual based on wages paid by such employer during the individual's base period as hereinabove provided. If within such five-year period he again becomes an employer subject to this Chapter, he shall be entitled to a variation from the standard rate of contributions only if thereafter the conditions specified in Section 96-9 (b) (4) are met. If within such five-year period he fails to become an employer subject to this Chapter the reserve account standing to the credit of such employer shall immediately revert to the partially pooled account established herein and the reserve account shall be closed."

Benefit of reserve account in event employer becomes subject to Act within 5 years.

Reversion to partially pooled account.

G. S. 96-10 (a), amended as to interest on past due contributions.

SEC. 14. That Article 2, Chapter 96, Section (10), Subsection (a), General Statutes of North Carolina, be and the same is hereby amended by striking out the next to the last sentence in said Subsection and inserting in lieu thereof the following:

"Interest collected pursuant to this Subsection shall be paid into the Special Employment Security Administration Fund."

G. S. 96-10 (e), amended.

SEC. 15. That Article 2, Chapter 96, Section (10), Subsection (e), General Statutes of North Carolina, be and the same is hereby amended by adding to said Subsection the following:

Refund to employer erroneously paying contributions to N. C. instead of another State.

"In any case where the commission finds that any employing unit has erroneously paid to this State contributions or interest upon wages earned by individuals in employment in another state, refund or adjustment thereof shall be made, without interest, irrespective of any other provisions of this Subsection, upon satisfactory proof to the commission that the payment of such contributions or interest has been made to such other state."

G. S. 96-10 (i), amended.

SEC. 16. That Article 2, Chapter 96, Section (10), Subsection (i), General Statutes of North Carolina, be and the same is hereby amended by inserting after the word "due" and before the semicolon in line 4 thereof the following:

Limitation on action to determine liability or status of employer.

"and no suit or proceeding for the purpose of establishing liability and/or status may be begun with respect to any period occurring more than five years prior to the first day of January of the year within which such suit or proceeding is instituted".

G. S. 96-11 (b), amended as to termination of employer's coverage.

SEC. 17. That Article 2, Chapter 96, Section (11), Subsection (b), General Statutes of North Carolina, be and the same is hereby amended by striking out the word "and" immediately preceding the parenthetical letter (c) in the second line thereof and inserting in lieu thereof a comma. And that said Subsection (b) be further amended by inserting immediately following the parenthetical letter (c) the following: "and (d)".

G. S. 96-11, further amended.

SEC. 18. That Article 2, Chapter 96, Section (11), General Statutes of North Carolina, be and the same is hereby amended by adding thereto a new Subsection as follows:

Termination of coverage where no one employed for 5 years.

"(d) An employer who has not had any individuals in employment for a period of five consecutive calendar years shall cease to be subject to this Chapter."

G. S. 96-12 (b), amended as to payment of benefits.

SEC. 19. That Article 2, Chapter 96, Section (12), Subsection (b), General Statutes of North Carolina, be and the same is hereby amended by striking out Subsection (b), together with paragraph (1) thereunder, and inserting in lieu thereof the following:

"(b) (1) Each eligible individual whose benefit year begins on and after March 13, 1945, and prior to the effective date of this Act, and who is totally unemployed in any week as defined by Section 96-8 (k) (1), shall be paid benefits with respect to such week or weeks at the rate per week appearing in the following table in Column II opposite which in Column I appear the

wages paid to such individual during his base period with respect to employment.

Table of payments for benefit years prior to effective date of Act.

Column I Wages Paid During Base Period		Column II Weekly Benefit Amount
Less than $130.00		Ineligible
$ 130.00 to	$ 152.99	$ 4.00
153.00	178.99	4.50
179.00	207.99	5.00
208.00	239.99	5.50
240.00	275.99	6.00
276.00	316.99	6.50
317.00	362.99	7.00
363.00	415.99	7.50
416.00	464.99	8.00
465.00	519.99	8.50
520.00	580.99	9.00
581.00	649.99	9.50
650.00	727.99	10.00
728.00	788.99	10.50
789.00	853.99	11.00
854.00	923.99	11.50
924.00	999.99	12.00
1,000.00	1,081.99	12.50
1,082.00	1,169.99	13.00
1,170.00	1,265.99	13.50
1,266.00	1,370.99	14.00
1,371.00	1,485.99	14.50
1,486.00	1,611.99	15.00
1,612.00	1,663.99	15.50
1,664.00	1,715.99	16.00
1,716.00	1,767.99	16.50
1,768.00	1,819.99	17.00
1,820.00	1,871.99	17.50
1,872.00	1,923.99	18.00
1,924.00	1,975.99	18.50
1,976.00	2,027.99	19.00
2,028.00	2,079.99	19.50
2,080.00	and over	20.00

"(2) Each eligible individual whose benefit year begins on and after the effective date of this Act, and who is totally unemployed in any week as defined by Section 96-8 (k) (1), shall be paid benefits with respect to such week or weeks at the rate

per week appearing in the following table in Column II opposite which in Column I appear the wages paid to such individual during his base period with respect to employment.

Table of payments where benefit year begins after effective date of this Act.

Column I Wages Paid During Base Period		Column II Weekly Benefit Amount
Less than $200.00		Ineligible
$ 200.00 to	$ 232.99	$ 6.00
233.00	261.99	6.50
262.00	293.99	7.00
294.00	327.99	7.50
328.00	363.99	8.00
364.00	401.99	8.50
402.00	442.99	9.00
443.00	485.99	9.50
486.00	531.99	10.00
532.00	579.99	10.50
580.00	631.99	11.00
632.00	684.99	11.50
685.00	742.99	12.00
743.00	802.99	12.50
803.00	865.99	13.00
866.00	932.99	13.50
933.00	1,003.99	14.00
1,004.00	1,077.99	14.50
1,078.00	1,155.99	15.00
1,156.00	1,237.99	15.50
1,238.00	1,324.99	16.00
1,325.00	1,415.99	16.50
1,416.00	1,490.99	17.00
1,491.00	1,579.99	17.50
1,580.00	1,636.99	18.00
1,637.00	1,696.99	18.50
1,697.00	1,772.99	19.00
1,773.00	1,851.99	19.50
1,852.00	1,915.99	20.00
1,916.00	1,980.99	20.50
1,981.00	2,047.99	21.00
2,048.00	2,115.99	21.50
2,116.00	2,184.99	22.00
2,185.00	2,254.99	22.50
2,255.00	2,315.99	23.00
2,316.00	2,375.99	23.50
2,376.00	2,437.99	24.00
2,438.00	2,499.99	24.50
2,500.00	and over	25.00

G. S. 96-12 (c), amended as to weekly benefit for partial unemployment.

SEC. 20. That Article 2, Chapter 96, Section (12), Subsection (c), General Statutes of North Carolina, be and the same is hereby amended by striking out the last sentence therein and inserting in lieu thereof the following:

"Such partial benefit shall be an amount figured to the nearest multiple of fifty cents (50c) which is equal to the difference between the weekly benefit amount as defined in Section 96-8 (q) plus two dollars ($2.00) and the wages payable to him, if any, with respect to such week."

G. S. 96-12 (d), amended.

SEC. 21. That Article 2, Chapter 96, Section (12), Subsection (d), General Statutes of North Carolina, be and the same is hereby amended by striking out said Subsection in its entirety and inserting in lieu thereof the following:

Duration of benefits.

"(d) Duration of Benefits. The maximum amount of benefits payable to any eligible individual whose benefit year begins prior to the effective date of this Act shall be sixteen times his weekly benefit amount during such benefit year. The maximum amount of benefits payable to any eligible individual whose benefit year begins after the effective date of this Act shall be twenty times his weekly benefit amount during any benefit year. The commission shall maintain accounts for each individual who earns wages in such manner and form as the commission may prescribe as being adequate to administer the provisions of this Chapter."

G. S. 96-13 (c), amended as to benefit eligibility conditions.

SEC. 22. That Article 2, Chapter 96, Section (13), Subsection (c), General Statutes of North Carolina, be and the same is hereby amended by striking out that part of the said Subsection beginning with the proviso in line 22 thereof through and including the last sentence of said Subsection, and inserting in lieu thereof the following:

Unemployment due to vacation.

"*Provided further, however*, that effective January 1, 1949, no individual shall be considered available for work for any week not to exceed two in any calendar year in which the commission finds that his unemployment is due to a vacation. In administering this proviso, benefits shall be paid or denied on a payroll week basis as established by the employing unit. A week of unemployment due to a vacation as provided herein means any payroll week within which as much as sixty per cent of the full time working hours consists of a vacation period. For the purpose of this Subsection, any unemployment which is caused by a vacation period and which occurs in the calendar year following that within which the vacation period begins shall be deemed to have occurred in the calendar year within which such vacation period begins."

G. S. 96-14, amended as to disqualification for benefits on account of voluntary unemployment.

SEC. 23. That Article 2, Chapter 96, Section (14), Subsection (a), General Statutes of North Carolina, be and the same is hereby amended by striking out the colon immediately following the words "benefit amount" in line 15 thereof and all that part

of said Subsection (a) which follows thereafter and inserting in lieu thereof a period.

Disqualification for benefits on account of misconduct.

SEC. 24. That Article 2, Chapter 96, Section (14), Subsection (b), General Statutes of North Carolina, be and the same is hereby amended by striking out the colon immediately following the words "benefit amount" in line 15 thereof and all that part of the said Subsection which follows thereafter and inserting in lieu thereof a period.

G. S. 96-14 (c), amended.

SEC. 25. That Article 2, Chapter 96, Section (14), Subsection (c), General Statutes of North Carolina, be and the same is hereby amended by striking out the proviso beginning with line 19 and continuing through line 23 of said Subsection, and inserting in lieu thereof the following:

Disqualification not elapsed carried over into succeeding benefit year.

"*Provided, however,* that in any case where any week or weeks of disqualification as provided in Subsections (a), (b), and (c) of this Section have not elapsed on account of the termination of an individual's benefit year, such remaining week or weeks of disqualification shall be applicable in the next benefit year at the then current benefit amount of such individual; *provided* such new benefit year is established by the individual within twelve months from the date of the ending of the preceding benefit year.

Cancellation of disqualification upon return to work.

When any individual who has been disqualified as provided in Subsections (a), (b), and (c) of this Section returns to employment before the disqualifying period has elapsed, the remaining week or weeks of disqualification shall be cancelled and no deduction based on such weeks shall be made from the maximum amount of benefits of such individual; *provided* such individual shows the fact of employment to the satisfaction of the commission."

G. S. 96-18 (f), relating to penalties, amended as to claimants convicted of embezzlement, etc.

SEC. 26. That Article 2, Chapter 96, Section (18), Subsection (f), General Statutes of North Carolina, be and the same is hereby amended by striking out the portion of said Subsection following the comma, after the word "guilt" in line 6 thereof, and inserting in lieu thereof the following:

"shall not be entitled to receive any benefits based on wages earned by such individual prior to and including the quarter within which such discharge occurred; *provided* the provisions of this Subsection shall not be effective as to any benefits accrued or paid under a claim filed by such individual prior to the date of such discharge."

Conflicting laws repealed.

SEC. 27. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 28. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

S. B. 172 **CHAPTER 425**

AN ACT TO AUTHORIZE THE FREMONT CITY SCHOOL ADMINISTRATIVE UNIT TO HOLD AN ELECTION ON THE QUESTION OF LEVYING A TAX TO SUPPLEMENT FUNDS RECEIVED FROM THE STATE AND COUNTY FOR THE OPERATION OF ITS SCHOOLS.

The General Assembly of North Carolina do enact:

Fremont City School Administrative Unit, school supplement tax levy authorized, subject to election.

SECTION 1. The Governing Board of Fremont City School Administrative Unit, with the approval of the tax levying authorities of Wayne County and the State Board of Education, in order to operate schools of a higher standard than that provided by State support, or to employ additional vocational teachers or both, in said administrative unit, but in no event to provide for a term of more than one hundred eighty (180) days, may supplement the funds from State or county allotments available to said administrative unit: *Provided,* that before making any levy for supplementing said allotments, an election shall be held in said administrative unit to determine whether there shall be levied a tax, not to exceed fifty cents (50c) on the one hundred dollars ($100.00) valuation of all property, real and personal, to provide said supplemental funds. Upon the request of the governing body of said city administrative unit, the county board of commissioners shall provide for an election to be held under laws governing such elections as set forth in Articles 22, 23 and 24 of this Chapter and the rate voted shall remain the maximum until revoked or changed by a subsequent election.

Provisions for election.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

S. B. 214 **CHAPTER 426**

AN ACT TO AMEND CHAPTER 239 OF THE PRIVATE LAWS OF 1905, RELATING TO THE TOWN OF HUDSON IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Ch. 239, Private Laws, 1905, amended as to municipal elections, Town of Hudson.

SECTION 1. Section 1 of Chapter 239 of the Private Laws of 1905 is hereby amended by striking out in lines 5 and 6 the words "sixty-two (62) of the Code of North Carolina, not inconsistent with the special provisions of this set", and inserting in lieu thereof the words "one hundred sixty (160) of the General Statutes, as amended, entitled 'Municipal Corporations'."

SEC. 2. Section 4 of Chapter 239 of the Private Laws of 1905 is hereby amended by rewriting said Section to read as follows:

Biennial election of mayor and commissioners.

"SEC. 4. An election shall be held in the said Town of Hudson on Tuesday after the first Monday in May 1949, and biennially thereafter, for the election of a mayor and five commissioners who shall hold their respective offices until their successors have been elected and have qualified. The police officers and other employees of the town shall be elected by the commissioners and shall hold office at the pleasure of the commissioners.

Election of police officers and other town employees.

Application of General Statutes to municipal elections.

"The provisions of Sections 160-29 through 160-51 of the General Statutes of North Carolina, shall be applicable to all municipal elections held in the Town of Hudson in Caldwell County."

SEC. 3. Section 5 of Chapter 239 of the Private Laws of 1905 is hereby amended by rewriting said Section to read as follows:

Powers of taxation.

"SEC. 5. The Commissioners of the Town of Hudson are authorized and empowered to levy a poll tax on all male residents of the said town, and ad valorem taxes on all real estate and personal property in said town and may, in their discretion, levy license or privilege taxes on all occupations, trades, professions and callings, not otherwise prohibited by law, in such amounts as is provided by law applicable to taxation in municipalities."

Appeals from Mayors Court.

SEC. 4. Section 6 of Chapter 239 of the Private Laws of 1905 is hereby amended by striking out the comma after the word "town" in line 3, and by inserting a period in lieu thereof, and by striking out the remainder of the sentence.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

S. B. 252 **CHAPTER 427**

AN ACT RELATING TO THE MAYOR'S COURT OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. The Governing Body of the City of Fayetteville is hereby authorized to appoint an Assistant Judge of the Mayor's Court of the City of Fayetteville to serve at the pleasure of said governing body and to be paid such salary as the governing body may fix, not to exceed twenty-four hundred dollars ($2400.00) per year.

City of Fayetteville, Mayor's Court, appointment of Assistant Judge.

Salary.

SEC. 2. The assistant judge provided for in this Act shall have the same jurisdiction, powers and duties with respect to the Mayor's Court of the City of Fayetteville as the mayor has, and he shall hold court at such times as the governing body may direct.

Powers and duties of Assistant Judge.

SEC. 3. No appointment of an assistant judge shall be made pursuant to this Act until the governing body elected at the next municipal election after the ratification of this Act is inducted into office.

Effective date of power of appointment.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall become effective as soon as a majority of the members of the governing body elected in the 1949 municipal election in the City of Fayetteville are inducted into office.

Effective date.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

S. B. 273 **CHAPTER 428**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LEAKSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. The corporate limits of the Town of Leaksville are hereby extended so as to include therein the following described territory:

Town of Leaksville, corporate limits extended.

"Beginning at a concrete marker located at the northwest corner of Center Church Road and Maple St., and running thence by true bearings South 0 deg. 50 min. West 50 ft. crossing Center Church Road to an iron pipe located at the southwest corner of Center Church Road and Maple St.; thence continuing with the western line of Maple St. (revised) South 0

Description of area included.

deg. 50 min. West 100 ft. to an iron pipe at the intersection of Patterson St.; thence with the western line of Patterson St. South 22 deg. 51 min. West 190 ft. to an iron pipe and South 1 deg. 49 min. West 90.1 ft. to an iron pipe at the northwest corner of Patterson St. and Louise Avenue; thence continuing South 40 ft. to the southwest corner of Patterson St. and Louise Ave. and being also A. W. Hancock's corner; thence North 86 deg. 50 min. West 158.4 ft. with the southern line of Louise Ave. to an iron pipe A. W. Hancock corner. Thence in a southernly direction with A. W. Hancock's line 137.92 ft. to his corner with Adams'; thence by magnetic meridian North 86 deg. 46 min. West 370.1 ft. with the rear line of Lots 1 through 11, both inclusive of Section 3 of "Westerwood"; thence South 1 deg. 26 min. West 13 ft. with line of Lot 11 to an iron pipe corner with Lot 12; thence with the rear line of Lot 12 through 17 both inclusive of Section 3 of "Westerwood" 147.7 ft. to an iron pipe in the eastern line of Cedar St.; thence with the eastern line of Cedar St. on a 8 deg. 40 min. curve to the right 100 ft. to corner between Lots 21 and 22, Section 3; thence westerly crossing Cedar St. 40 ft. to corner between Lots 30 and 31, Section 1 of "Westerwood", Carliss Ellington corner in the western line of Cedar St.; thence North 75 deg. 4 min. West 179.3 ft. with line of Lot 30 to an iron pipe, corner between Lots 30 and 31 in the rear line of Westerwood; thence North 1 deg. 26 min. East 42.6 ft. to an iron pipe, corner with Jesse Price; thence North 58 deg. 16 min. East 125.5 ft. to an iron pipe, corner with Jesse Price. Thence North 1 deg. 21 min. East 177 ft. to an iron pipe, corner between Lots 40 and 41, Ray Talbott corner; thence South 64 deg. 40 min. East 187.3 ft. to the western line of Cedar St.; thence by true bearings with the western line of Cedar St. North 22 deg. 57 min. East 286.15 ft. to an iron pipe the southwest corner of Cedar St. and Center Church Road; thence continuing North 22 deg. 57 min. East 50 ft. crossing Center Church Road to a concrete monument at the northwest corner of Center Church Road and Cedar St. the present corporation line of the Town of Leaksville; thence with the present corporation line of the Town of Leaksville and being the North line of Center Church Road in an easterly direction to the point of beginning."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 92 **CHAPTER 429**

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE REGISTRATION AND LICENSING OF FARM TRACTORS.

The General Assembly of North Carolina do enact:

SECTION 1. Subsection (f) of Section 20-51 of the General Statutes is hereby rewritten to read as follows: G. S. 20-51, Motor Vehicle Act, amended.

"(f) Farm tractors equipped with rubber tires and trailers or semi-trailers when attached thereto and when used by a farmer, his tenant, agent, or employee in transporting his own farm implements, farm supplies, or farm products from place to place on the same farm, from one farm to another, from farm to market, or from market to farm. This exemption shall extend also to any tractor and trailer or semi-trailer while on any trip within a radius of ten miles from the point of loading. This Section shall not be construed as granting any exemption to farm tractors and trailers or semi-trailers which are operated on a for hire basis, whether money or some other thing of value is paid or given for the use of such tractors and trailers or semi-trailers." Farm tractors, trailers, etc., exempted from licensing provisions. Vehicles operated for hire not included.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 169 **CHAPTER 430**

AN ACT TO AMEND CHAPTER 165 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE CREATION OF THE NORTH CAROLINA VETERANS COMMISSION SO AS TO DEFINE THE TERM "VETERANS ORGANIZATION" AND PROVIDING FOR THE APPOINTMENT OF THE MEMBERS OF THE COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. General Statutes 165-2 is amended by adding at the end thereof a new paragraph to read as follows: "(d) 'Veterans Organization' means a nationally recognized veterans organization whose membership is composed of veterans as defined in General Statutes 165-2 and which has been chartered by an Act of the United States Congress." G. S. 165-2, amended. "Veterans organization", defined.

G. S. 165-5, amended.

Commander of each organization made ex-officio member of Commission.

SEC. 2. General Statutes 165-5 is amended by adding at the end of Subsection 1 a new sentence to read as follows: "The Department Commander or official head of each recognized veterans organization in this State shall be an ex officio member of the commission but shall have no vote nor receive compensation, per diem or other expense for services rendered as a member of said commission."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect on and after July 1st, 1949.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 437 CHAPTER 431

AN ACT TO REGULATE SALARIES OF CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND MEMBERS OF THE BOARD OF EDUCATION OF McDOWELL COUNTY, AND TO FIX COMPENSATION OF CLERICAL ASSISTANCE TO THE CLERK AND REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

McDowell County, salary of Clerk of Superior Court.

SECTION 1. That the Clerk of the Superior Court of McDowell County shall receive as his only compensation, and in lieu of all fees, a salary of four thousand dollars ($4,000.00) per annum, payable in equal monthly installments out of the general fund of the county, which salary shall be in full payment for all services rendered by said clerk, including his services as juvenile judge, and all other duties which are now or may hereafter be imposed upon him by statute by virtue of his office as Clerk of the Superior Court.

Salary of Register of Deeds.

SEC. 2. That the Register of Deeds of McDowell County shall receive as her sole compensation, and in lieu of all fees, a salary of three thousand dollars ($3,000.00) per annum, payable in equal monthly installments out of the general fund of the county, which salary shall be in full payment for all services rendered as register of deeds, ex officio county treasurer, clerk to the board of county commissioners, and all other services which are now or may hereafter be imposed upon him or her by statute by virtue of his or her office as register of deeds.

Payment of premiums on official bonds of Clerk Superior Court and Register of Deeds.

SEC. 3. That the board of county commissioners of said county shall, out of the general fund of the county, pay the premiums on any and all official bonds which the register of deeds and

the Clerk of the Superior Court are required by law to make and execute.

Salaries of deputy clerk and deputy register of deeds.

SEC. 4. That the board of county commissioners shall pay to an assistant or deputy clerk of the Superior Court, to be selected by said clerk, and shall pay to an assistant or deputy register of deeds, to be selected by said register of deeds, each a salary to be fixed by said board in its discretion of not less than one hundred dollars ($100.00) per month nor more than one hundred seventy-five dollars ($175.00) per month.

Compensation of members of Board of County Commissioners and Board of Education.

SEC. 5. That the members of the Board of County Commissioners of McDowell County, except the chairman of said board, and the members of the Board of Education of McDowell County, shall be paid as compensation for their services as members of such boards, the sum of ten dollars ($10.00) per day for attending meetings of said boards, both regular and special, and in addition thereto shall be paid the sum of five cents (5c) per mile both ways for traveling to and from meetings of said boards.

Travel allowance.

Compensation of Chairman of Board of County Commissioners.

Travel allowance.

SEC. 6. That in lieu of the per diem compensation provided in Section 5 of this Act, the chairman of the board of county commissioners shall be paid as his sole compensation a monthly salary of fifty dollars ($50.00) plus mileage at five cents (5c) per mile for attendance at all meetings of the board, and said chairman, in addition to attending the meetings of the board, shall devote such time to his duties as shall be necessary for the proper performance of the duties imposed upon him as such chairman.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 8. That this Act shall be effective from and after the first day of July, 1949.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 446 **CHAPTER 432**

AN ACT TO PROVIDE FOR AN ELECTION IN THE TOWN OF MOORESVILLE, NORTH CAROLINA, UPON THE QUESTION OF ADOPTING THE CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Town of Mooresville, special election on amendment of town charter.

SECTION 1. That the Governing Body of the Town of Mooresville shall, within one year from the date of the ratification of this Act, call a special election, as provided in Sections 160-353 through 160-363, inclusive, of the General Statutes of North Carolina, for the purpose of submitting to the qualified voters of the Town of Mooresville the following amendment to the town charter:

Proposed amendment.

Appointment of city manager.

"(a) The Charter of the Town of Mooresville, Iredell County, be, and the same is hereby, amended by adding thereto the following: The board of commissioners shall appoint a city manager who shall be the administrative head of the town government and shall be responsible for the administration of all departments of the town government. He shall be appointed with regard to merit only, and he need not be a resident of the town when appointed. He shall hold office during the pleasure of the board of commissioners and shall receive such compensation as it shall fix by ordinance.

Qualification, term and compensation.

Powers and duties of city manager.

"The city manager so appointed shall have all the powers, duties, and responsibilities as prescribed for city managers under the Plan 'D' as outlined in Section 160-349 of the General Statutes, except the right to appoint the town attorney and the town auditor, which shall remain with the board of commissioners."

Issue submitted at election.

SEC. 2. At the time of holding the special election hereinabove provided for, the question of the adoption of this amendment to the Charter of the Town of Mooresville shall be submitted to the qualified voters of the town at said election. Those voters who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Amendment Providing for City Manager Form of Government," and those voters who are opposed to the adoption of such form of government shall vote a ballot upon which shall be printed or written the words "Against Amendment Providing for City Manager Form of Government." If at said election a majority of the votes cast shall be "For Amendment Providing for City Manager Form of Government" the said amendment shall be adopted and become a part of the Charter of the Town of Mooresville, and shall become effective at the beginning of the next municipal fiscal year subsequent to the declaration of the result of said election. If a majority of the votes cast shall be

Form of ballots.

Adoption of amendment in event of majority vote therefor.

"Against Amendment for City Manager Form of Government," said amendment shall be null and void and shall not become a part of the Charter of the Town of Mooresville.

Effect of majority vote against amendment.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act, to the extent of said conflict, are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 450 CHAPTER 433

AN ACT TO AMEND CHAPTER 296 OF THE SESSION LAWS OF 1947 RELATING TO THE SALARIES OF THE SHERIFF, CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS AND OTHER EMPLOYEES OF DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Sections 2 and 4 of Chapter 296 of the Session Laws of 1947 are repealed.

Ch. 296, Session Laws, 1947, amended.

SEC. 2. From and after the first of the month following the ratification of this Act, the Board of County Commissioners of Dare County is authorized and empowered, in its discretion, to fix and determine the salaries to be paid to the sheriff, the register of deeds, the Clerk of the Superior Court and all other employees of said county whose pay is provided from tax funds excepting those whose salaries are subject to the provisions of Chapter 126 G. S. establishing The Merit System Council.

Dare County, salaries of certain officials and employees.

SEC. 3. The salaries so fixed for the officers and employees referred to in Section 2 of this Act shall be in full payment for all services rendered by such officers and employees acting in any capacity in the service of said county.

Salaries to be in full payment for all services rendered.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 587 CHAPTER 434

AN ACT TO REENACT THE PROVISIONS OF CHAPTER 351 OF THE SESSION LAWS OF 1947 TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO MAKE CERTAIN ADJUSTMENTS IN THE SALARIES OF COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Ch. 351, Session Laws, 1947, re-enacted.

SECTION 1. The provisions of Chapter 351 of the Session Laws of 1947 are hereby reenacted and the Board of Commissioners of Henderson County is ordered and directed to raise the existing salaries of all county employees named and designated in said Act and the veterans service officer a flat twenty per cent (20%), and said raise shall become effective and begin July 1, 1949 and remain in full force and effect for a period of two years thereafter.

Henderson County, salary increases for county employees and veterans service officer.

Present pay of employees deemed base pay.

SEC. 2. For the purpose of deciding the raise in salaries mentioned in Section 1, the present pay of said employees shall be deemed and considered the base pay.

Continuation of employment of deputy sheriffs.

Salary increase authorized.

SEC. 3. The Board of Commissioners of Henderson County shall continue to provide the necessary funds for four (4) full time deputy sheriffs for the duration of this Act at their present salaries plus the twenty per cent (20%) raise hereby authorized.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

Effective date and duration of Act.

SEC. 5. This Act shall be in full force and effect from and after its ratification, except that the raise shall become effective July 1, 1949, and this Act shall remain in full force and effect for a period of two years, from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 604 CHAPTER 435

AN ACT TO CREATE A CEMETERY COMMISSION FOR THE TOWN OF SANFORD TO FIX ITS DUTIES AND DESIGNATE OTHER PURPOSES OF ITS EXISTENCE.

The General Assembly of North Carolina do enact:

Sanford Cemetery Commission created.

SECTION 1. That there is hereby created a cemetery commission for the Town of Sanford, Lee County, North Carolina to be known as the "Sanford Cemetery Commission".

Membership.

SEC. 2. That the said Sanford Cemetery Commission shall consist of seven members to be named by the Board of Aldermen of the Town of Sanford after the General Assembly of North Carolina shall ratify this Act, and shall be named to hold office for the terms stated so that one member shall hold office one year after appointment and other six members shall hold office for 2, 3, 4, 5, 6 and 7 years respectively after appointment. Each of the persons named shall serve for the terms specified and until his or her successor is appointed and qualified. Thereafter as the terms of the members initially named expire one member shall be appointed each year by the Board of Aldermen of the Town of Sanford to serve for seven years. Vacancies in the commission shall be filled for the unexpired term by the Board of Aldermen of the Town of Sanford. The members of this commission shall serve without compensation. The commission shall at its first regular meeting appoint a chairman and secretary and such other officers as it shall deem necessary and it shall adopt rules and regulations to govern its procedure.

Terms of office.

Vacancy appointments.

Members to serve without compensation.

Organization of commission.

Maintenance and supervision of city cemetery property.

SEC. 3. The Sanford Cemetery Commission shall have full charge of city cemetery property owned or controlled by the Town of Sanford and shall be charged with the duty of supervising and maintaining the same.

Acceptance by Commission of gifts for cemetery purposes.

SEC. 4. The said Sanford Cemetery Commission shall have the right to accept any grant, lease, loan or devise of real estate given for cemetery purposes to the Town of Sanford or any gift or bequest of money or any donation to be applied of principal or interest for the use, maintenance and perpetual care of the cemeteries of the town.

Control of use of income from perpetual care funds.

SEC. 5. All funds belonging to the perpetual care of city cemeteries shall be held by the town treasurer together with any additional gifts or bequests thereto and the use of income of said funds shall be controlled by the Sanford Cemetery Commission. All funds so held by the Town of Sanford for cemetery purposes shall be segregated at all times and shall not be mingled with any other funds belonging to the Town of Sanford.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 611 CHAPTER 436

AN ACT TO AMEND G. S. 55-41 RELATING TO THE VALIDATION OF CERTAIN CORPORATE CONVEYANCES.

The General Assembly of North Carolina do enact:

G. S. 55-41, validating corporate conveyances where seal omitted, amended.

SECTION 1. G. S. 55-41 is hereby amended by striking out the words "January 1, 1938" in lines 3 and 4 of said Section, and inserting in lieu thereof the words "January 1, 1948".

Pending litigation unaffected.

SEC. 2. Nothing contained in this Act shall affect pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

S. B. 272 CHAPTER 437

AN ACT TO SUBMIT TO THE VOTERS OF THE TOWN OF LEAKSVILLE THE QUESTION OF THE EQUALIZATION OF TAXATION AND THE CONSOLIDATION OF FUNCTIONS IN THE DISTRICTS OF THE TOWN OF LEAKSVILLE.

The General Assembly of North Carolina do enact:

Town of Leaksville, consolidation of certain activities subject to election.

SECTION 1. At the next regular election held for the election of municipal officers in the Town of Leaksville, there shall be submitted to the voters thereof the question of unifying the tax rates, the financing of improvements, the accounting systems and the election of officials in districts 1 and 2 of the Town of Leaksville.

Form of ballots.

SEC. 2. At such election those voters who favor the unification of tax rates, financing of improvements, accounting systems and election of officials shall vote ballots on which shall be written or printed the words "For unifying tax rates, financing of improvements, accounting systems and election of officials in Districts 1 and 2 of the Town of Leaksville" and those who oppose such unification shall vote ballots on which shall be written or printed the words "Against unifying tax rates, financing of improvements, accounting systems and election of officials in Districts 1 and 2 of the Town of Leaksville."

Date of unification in event of majority vote therefor.

SEC. 3. If, at such election, a majority of the votes cast on this proposition shall be for the unification of the above named activities, such activities as of the beginning of the next fiscal year of the town, shall thereafter be unified and the division created by Sections 5 and 6 of Chapter 202 of the Session Laws of 1945 is, as of the beginning of the next fiscal year, hereby abolished and said Sections are repealed. If, at the election held, a majority of the votes cast on the above proposition shall be in favor of the unification of the above activities, the Commissioners and Mayor of the Town of Leaksville shall, at the regular municipal election held in 1951 and thereafter, be elected by the voters at large of the Town of Leaksville and to the extent that Section 7 of Chapter 202 of the Session Laws of 1945, Section 16 of Chapter 175 of the Session Laws of 1945 and Section 3 of Chapter 562 of the Session Laws of 1947 are in conflict with this provision, the same are hereby repealed.

Ch. 202, Session Laws, 1945, amended to conform.

Election of mayor and commissioners in event of majority vote for unification.

Existing laws amended to conform.

Ch. 175, Session Laws, 1945, amended, in event of majority vote for unification.

SEC. 4. If a majority of the votes cast on the above proposition shall be in favor of said unification, then Section 16 of Chapter 175 of the Session Laws of 1945 is hereby rewritten to read as follows and Section 3 of Chapter 562 of the Session Laws of 1947 is hereby repealed:

Election of mayor and commissioners by voters at large.

"SEC. 16. Election of Mayor and Board of Commissioners. The mayor and members of the board of commissioners shall be elected by the voters at large. All candidates in each instance up to the number to be elected who receive the highest number of votes shall be elected."

Application of Act as to officials to be elected in May, 1949.

SEC. 5. The Mayor and Commissioners of the Town of Leaksville to be elected at the regular municipal election to be held in May, 1949, shall be elected, shall qualify and shall hold office under the applicable statutes as the same existed prior to the ratification of this Act and this Act shall in no way relate to or affect the nomination, election, qualification or tenure of office of the officials so elected in May, 1949.

Ch. 192, Session Laws, 1949, repealed.

SEC. 6. Senate Bill 143, ratified at this Session of the General Assembly, and all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 639 **CHAPTER 438**

AN ACT TO AMEND CHAPTER 38 OF THE SESSION LAWS OF 1943 RELATING TO THE SALARY OF DEPUTY SHERIFFS IN FRUITVILLE AND POPLAR BRANCH TOWNSHIPS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 13, Public-Local Laws, 1935, amended to increase salary of deputy sheriff, Fruitville Township, Currituck County.

SECTION 1. Section 1 of Chapter 13 of the Public-Local Laws of 1935, as amended by Chapter 38 of the Session Laws of 1943, is amended by striking out in line 5 of said Section the words and figures "three hundred dollars ($300.00)" and inserting in lieu thereof the words and figures "four hundred twenty dollars ($420.00)".

SEC. 2. Section 1 of Chapter 13 of the Public-Local Laws of 1935, as amended by Chapter 38 of the Session Laws of 1943, is further amended by adding at the end thereof a new sentence to read as follows:

Designation of deputy.

"Edmund White is named as the said deputy sheriff in said township, and he shall serve in such capacity at the pleasure of the Sheriff of Currituck County."

SEC. 3. Section 1 of Chapter 13 of the Public-Local Laws of 1935, as amended by Chapter 38 of the Session Laws of 1943, and as further amended by Section 2 of this Act, is further amended by adding a new paragraph at the end thereof to read as follows:

Appointment and salary of deputy sheriff in Poplar Branch Township.

"On and after the first day of April, 1949, the Sheriff of Currituck County shall maintain a deputy sheriff in Poplar Branch Township in Currituck County, whose residence shall be in said township. His salary shall be three hundred dollars ($300.00) per annum, to be paid from the General Fund of Currituck County in twelve equal monthly installments. Lindsay

Designation of deputy.

Dowdy is named as the said deputy sheriff in said township, and he shall serve in such capacity at the pleasure of the Sheriff of Currituck County."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 640

CHAPTER 439

AN ACT TO APPOINT AND FIX THE TERMS OF THREE MEMBERS OF THE BOARD OF TRUSTEES OF LEE COUNTY HOSPITAL.

Preamble: Expiration of term of trustees, Lee County Hospital.

WHEREAS, the Board of Trustees of Lee County Hospital are elected according to the provisions of G. S. 131-7 and the term of office of the three trustees whose terms are for six years expired at the time for taking office on the first Monday in December, 1948, subsequent to the general election; and

Failure of trustees to file for nomination in general election 1948.

WHEREAS, the trustees whose terms expired intended to file for nomination for the same offices in the general election of 1948, but through mistake and inadvertence failed to do so, and no other persons filed for such positions or offices in said general election, and said three trustees are now holding over by virtue of the statute provided for such hold-over cases, there being no successors nominated or elected: *Now, therefore,*

No successors nominated or elected.

The General Assembly of North Carolina do enact:

Appointment of trustees, Lee County Hospital.

SECTION 1. That J. R. Dalrymple, S. D. Porter and L. P. Wilkins are hereby appointed trustees to serve on the Board of Trustees of Lee County Hospital. That each of said trustees above named shall serve for a term or period of six years, beginning with the first Monday in December, 1948, and ending with the first Monday in December, 1954, to the same effect and intent and with the same authority as if said trustees had been nominated and elected in the general election of the year 1948 for the positions of trustees as above set forth.

Terms of office.

Effect of appointments.

Prior acts of trustees validated.

SEC. 2. That any and all acts and duties performed by the said trustees above named prior to the ratification of this Act are hereby validated, confirmed and authorized to the same effect and extent as if said trustees had been duly nominated and elected at the proper time in the year 1948 as provided by statute.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 644 CHAPTER 440

AN ACT TO AMEND SECTION 143-129 OF THE GENERAL STATUTES OF NORTH CAROLINA AS THE SAME APPLIES TO GUILFORD COUNTY AND TO THE CITY OF GREENSBORO IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

G. S. 143-129, procedure for letting of public contracts, amended as to Guilford County and City of Greensboro.

SECTION 1. Section 143-129 of the General Statutes of North Carolina, as the same applies to Guilford County and to the City of Greensboro in Guilford County, is hereby amended by striking out the words and figures, "one thousand dollars ($1,000.00)", appearing in line 6 and substituting in lieu thereof the following, "two thousand dollars ($2,000.00)."

Application of Act.

SEC. 2. This Act applies only to Guilford County and to the City of Greensboro in Guilford County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 668 CHAPTER 441

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF WAKE COUNTY TO TURN INTO THE SCHOOL FUND OF WAKE COUNTY ALL TAXES COLLECTED WHICH ARE MORE THAN FIVE YEARS DELINQUENT.

The General Assembly of North Carolina do enact:

Wake County, payment of certain delinquent taxes into School Fund.

SECTION 1. That the County Commissioners of Wake County are hereby authorized and empowered in their discretion to turn into the Wake County School Fund all taxes collected and which are more than five years delinquent.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws that are in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 669 CHAPTER 442

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF WAKE COUNTY TO RELIEVE THE TAX COLLECTOR OF THE CHARGE OF ALL INSOLVENT TAXES WHICH ARE FIVE YEARS OR MORE DELINQUENT.

The General Assembly of North Carolina do enact:

Wake County, relief of Tax Collector from charge of uncollectible taxes.

SECTION 1. The County Commissioners of Wake County are hereby authorized and empowered, in their discretion, to relieve the tax collector's charge of all insolvent taxes, five years or more delinquent, when it appears to the satisfaction of the board of commissioners that said taxes are uncollectible.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 670 CHAPTER 443

AN ACT TO AUTHORIZE THE EXPENDITURE OF PROCEEDS OF CERTAIN BONDS ISSUED BY THE CITY OF RALEIGH FOR THE ACQUISITION OF FIRE FIGHTING EQUIPMENT.

Preamble: City of Raleigh, issuance of bonds for acquisition of fire fighting equipment.

WHEREAS, the City Council of the City of Raleigh, by bond ordinances adopted on May 24, 1948, and by resolution adopted on August 24, 1948, authorized the issuance of "Public Improvement Bonds" in the aggregate sum of $225,000.00, including bonds in the amount of $17,500.00, issued, as provided by ordinance, "for the acquisition of a combination hook and ladder fire truck" for the City of Raleigh, all of which bonds were sold and duly issued in accordance with law; and

Request for legislative authority to purchase equipment other than that specified.

WHEREAS, the City Council of the City of Raleigh has requested legislative authority to expend the proceeds of the said bonds not in excess of $17,500.00 for the acquisition of any type of fire truck or fire engine deemed by the city council to be necessary and proper to meet the needs of the City of Raleigh, without being limited to the acquisition of a combination hook and ladder fire truck: *Now, therefore,*

The General Assembly of North Carolina do enact:

Expenditure of certain proceeds of Public Improvement Bonds for requested purpose, authorized.

SECTION 1. That the City Council of the City of Raleigh is hereby fully authorized and empowered to authorize and direct the expenditure of an amount not in excess of seventeen thou-

sand five hundred dollars ($17,500.00) out of the proceeds from the sale of $225,000.00 City of Raleigh, North Carolina, Public Improvement Bonds (consolidation of $51,000.00 for streets, $15,000.00 for street equipment, $15,000.00 for bridges, $17,500.00 for fire fighting equipment, $31,500.00 for sanitary equipment, and $95,000.00 for city garage) dated September 1, 1948, for the purpose of acquiring any type of fire truck or fire engine deemed by the City Council of the City of Raleigh to be necessary and proper to meet the needs of the City of Raleigh, without being limited to the acquisition of a combination hook and ladder fire truck.

Validity of Public Improvement Bonds unaffected.

SEC. 2. That no provision of this Act nor any action taken by the City Council of the City of Raleigh pursuant to this Act shall in any way affect the validity of the $225,000.00 City of Raleigh, North Carolina, Public Improvement Bonds, dated September 1, 1948.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 673 CHAPTER 444

AN ACT TO PROVIDE ADDITIONAL COMPENSATION FOR THE SHERIFF AND DEPUTY SHERIFFS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Yadkin County, fees and expenses of Sheriff and Deputy Sheriffs.

SECTION 1. In addition to all other compensation now allowed by law to the Sheriff and Deputy Sheriffs of Yadkin County, such officers shall receive the fees and expenses now allowed such officers by law.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 681 CHAPTER 445

AN ACT RELATING TO THE FEES OF JURORS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Avery County, fees of jurors.

SECTION 1. All jurors in the Superior Court of Avery County other than special veniremen and tales jurors shall receive five dollars ($5.00) per day, and mileage at the rate of five cents (5c) per mile while coming to the county seat and returning home; *provided*, that this allowance for mileage shall be paid on the basis of one round trip per calendar week, for each calendar week in which attendance is required, the distance to be computed by the usual route of public travel.

Travel allowance.

Fees of special veniremen and tales jurors.

SEC. 2. Special veniremen and tales jurors shall receive the sum of two dollars ($2.00) per day for their attendance upon the Superior Court of Avery County; *provided*, that special veniremen who are accepted on the panel in the trial of any cause shall receive the pay and mileage of regular jurors as set forth in Section 1 of this Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 699 CHAPTER 446

AN ACT RELATING TO THE HOLDING OF PRIMARIES FOR THE NOMINATION OF THE MUNICIPAL OFFICERS OF THE TOWN OF FAIRMONT.

The General Assembly of North Carolina do enact:

Town of Fairmont, primary election for nomination of municipal officers.

SECTION 1. The primary election for nomination of municipal officers for the Town of Fairmont shall be held on the second Tuesday before the first Monday in May, 1949, and on said day in each and every year thereafter at the regular voting places in the Town of Fairmont, under rules and regulations prescribed by the board of commissioners of said town, and the returns shall be made and results declared forthwith. The returns shall be filed in the office of the town clerk and shall remain there for public inspection. In case a second primary shall be necessary to determine who is lawfully nominated for an office of said Town of Fairmont, the same shall be held under the same rules and regulations of the first primary, or other rules prescribed by the Board of Commissioners of the Town of Fairmont, on the

Procedure.

Second primary; procedure.

first Tuesday before the first Monday in May; and the returns from any such second primary, if held, shall be made and the results declared forthwith; the returns shall be filed in the office of the town clerk and there remain for public inspection. The dates for filing notice of candidacy, opening and closing of registration books and other fixed dates are advanced by one week.

Filing of returns.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 714 CHAPTER 447

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF GREENE COUNTY TO FIX THE PER DIEM OF SAID BOARD AND THE PER DIEM OF THE GREENE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Greene County, per diem and mileage allowance of Commissioners.

SECTION 1. The Board of Commissioners of Greene County is hereby authorized, in its discretion, to fix the per diem allowance of each member of said board in an amount not to exceed ten dollars ($10.00) per commissioner per day, and to fix the mileage allowance of said board. Any increases in the per diem or mileage allowance authorized by said board of commissioners pursuant to this Section shall be payable retroactively to July 1, 1948.

Per diem and mileage allowance of members of Board of Education.

SEC. 2. The Board of Commissioners of Greene County is hereby authorized, in its discretion, to fix the per diem allowance of each member of the Greene County Board of Education in an amount not to exceed ten dollars ($10.00) per member per day, and to fix the mileage allowance of the members of said board of education. Any increases in the per diem or mileage allowance authorized by said board of commissioners pursuant to this Section shall be payable retroactively to July 1, 1948.

Increases retroactive.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 720 **CHAPTER 448**

AN ACT TO AMEND CHAPTER 115 OF THE PRIVATE LAWS OF 1899 RELATING TO THE POWERS OF THE BOARD OF ALDERMEN OF THE CITY OF GREENVILLE, N. C.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 115 of the Private Laws of 1899 entitled "An Act to Amend and Consolidate the Charter of the Town of Greenville, N. C.", as amended, is hereby further amended by striking out Subsection 19, of Section 7 thereof, as incorporated therein by Chapter 593 of the Session Laws of 1947, and inserting in lieu thereof the following:

Ch. 115, Private Laws, 1899, amended.

"19. To appropriate annually from the revenues received from the profits of the municipal power plant and/or from revenues received from a source or sources other than taxation, an amount not exceeding the sum of twelve thousand dollars ($12,000.00), to be used for defraying the costs and expenses of a supervised system of recreation and playground activities for the citizens of the City of Greenville, and particularly for the young folk of said city, so as to further promote the health, happiness and safety of its citizens, which said undertaking is hereby declared to be for a public purpose and for the public benefit. The money so appropriated may be expended by the board of aldermen directly, or thorugh the facilities of such agency as the said board may select, and used in such manner as will, in the opinion of the board of aldermen, best serve the purposes herein set forth."

City of Greenville, appropriation for recreation and playground activities.

Expenditure of appropriation.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 721 CHAPTER 449

AN ACT TO AMEND CHAPTER 478 OF THE PRIVATE LAWS OF 1937 SO AS TO PROVIDE TWO-YEAR TERMS OF OFFICE FOR ELECTIVE OFFICIALS FOR THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

Ch. 478, Private Laws (Public-Local) 1937, amended to provide two year terms for elective officials, Town of Oxford.

SECTION 1. Section 1 of Chapter 478 of the Private Laws of 1937 is hereby amended by striking out the word "four" which appears after the word "for" and before the word "years" in line 3 of said Section, and substituting in lieu thereof the following word: "two".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 739 CHAPTER 450

AN ACT TO CONFIRM AND RATIFY THE ACTS OF THE BOARD OF COMMISSIONERS OF THE TOWN OF EAST FLAT ROCK IN HENDERSON COUNTY AND THE DISPOSITION OF THE ASSETS OF THE TOWN AND THE DISSOLUTION OF THE CHARTER OF THE TOWN UNDER THE PROVISIONS OF THE GENERAL LAW.

Preamble: Dissolution of Town of East Flat Rock.

WHEREAS, the Town of East Flat Rock in Henderson County has been dissolved by an election of the people of the town, which election was held under the provisions of the general law governing the dissolution of municipal corporations; and

Satisfaction of indebtedness and disposition of assets.

WHEREAS, the Commissioners of the Town of East Flat Rock have satisfied all indebtedness owing by the Town of East Flat Rock and have disposed of all of the assets of the town: *Now, therefore,*

The General Assembly of North Carolina do enact:

Act of commissioners in dissolution of Town of East Flat Rock. ratified.

SECTION 1. All actions and deeds done and performed by the Board of Commissioners of the Town of East Flat Rock in Henderson County in connection with the dissolution of the town and including the disposition of all real estate and other assets are hereby ratified and confirmed.

SEC. 2. The Town of East Flat Rock in Henderson County is hereby declared to be dissolved and no longer in existence, and the charter of said town is hereby repealed. Charter of town repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 784 CHAPTER 451

AN ACT TO AMEND SECTION 8 OF CHAPTER 212 OF THE PRIVATE LAWS OF 1911, WHICH AMENDS SECTION 3 OF CHAPTER 71 OF THE PRIVATE LAWS OF 1872-73, RELATING TO THE ELECTION OF A MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF MOORESVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. Section 8 of Chapter 212 of the Private Laws of 1911, which amends Section 3 of Chapter 71 of the Private Laws of 1872-73, is hereby amended by striking out the words "nine commissioners" which appear after the word "of" in line 6 of said Section and inserting in lieu thereof the following: "six Commissioners". Ch. 212, Private Laws, 1911, as to number of commissioners, Town of Mooresville.

SEC. 2. Section 8 of Chapter 212 of the Private Laws of 1911, which amends Section 3 of Chapter 71 of the Private Laws of 1872-73, is hereby amended by striking out all of said Section which appears after the word "avenue" in line 13 through line 17 to the word "ward" and inserting in lieu thereof the following: Chapter further amended.

"That each of said wards shall elect two commissioners. One of said commissioners from each ward shall be elected at the general municipal election to be held for the year 1949 for a term of four years and until their successors are elected and qualified, and one of said commissioners from each ward shall be elected at the general municipal election to be held for the year 1949 for a term of two years and until their successors are elected and qualified. All of said commissioners shall be residents of the ward for which they are chosen and shall be elected by the qualified voters of such ward. Election of commissioners by wards. Terms of office. Residence qualifications.

"Thereafter, upon the expiration of the terms of office of the respective commissioners, all of said commissioners shall be elected for a term of four years from their respective wards as

Purpose of Act as to membership of Board.

now by law provided, it being the purpose and intention of this Act to have at least three old members on the Board of Commissioners of the Town of Mooresville at all times.

Governing body of town.

"All of said officers shall serve during their respective terms and until their successors have been duly elected and qualified, and the mayor and board of commissioners as herein constituted shall constitute the Governing Body of the Town of Mooresville.

Notice of candidacy for office of mayor or commissioner.

"All persons desiring to become a candidate for the office of mayor or commissioner shall give notice to the town clerk of such fact by filing with said clerk a notice of candidacy at least seven (7) days prior to the primary held for the purpose of

Filing fee.

nominating candidates for mayor and commissioners and shall pay a filing fee, the amount of which shall be fixed by the board of commissioners, said amount not to exceed five dollars ($5.00). At the primary to be held in 1949, candidates for commissioner shall state in the notice of candidacy whether the filing is for the four years' term or the two years' term."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 115 CHAPTER 452

AN ACT TO FIX THE PUNISHMENT FOR THE ILLEGAL POSSESSION OF NON-TAX PAID LIQUORS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Columbus County, punishment for illegal possession of non-tax paid liquors for purpose of sale.

SECTION 1. It shall be unlawful for any person to have in his possession, actual or constructive, for the purpose of sale any intoxicating liquors as defined in Section 18-60 of the General Statutes upon which the taxes imposed by the laws of the Congress of the United States or by the laws of the State of North Carolina have not been paid. A violation of this Section shall constitute a misdemeanor punishable by imprisonment in the county jail for not less than sixty (60) days nor more than two (2) years. Any person sentenced to jail under the provisions of this Section shall be assigned to work the public roads under the control and supervision of the State Highway and Public Works Commission.

Punishment for illegal possession of non-tax paid liquors for purposes other than sale.

SEC. 2. It shall be unlawful for any person to have in his possession, actual or constructive, for any purpose other than the purpose of sale any intoxicating liquors as defined in Section

18-60 of the General Statutes upon which the taxes imposed by the laws of the Congress of the United States or the laws of the State of North Carolina have not been paid. A violation of this Section shall constitute a misdemeanor punishable by imprisonment in the county jail for not less than thirty (30) days nor more than two (2) years and in addition thereto a fine in the discretion of the court. Any person sentenced to jail under the provisions of this Section shall be assigned to work the public roads under the control and supervision of the State Highway and Public Works Commission.

Application of Act.

SEC. 3. This Act shall apply only to Columbus County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 421

CHAPTER 453

AN ACT TO AMEND CHAPTER 7, SECTION 70 OF THE GENERAL STATUTES OF 1943, TO CHANGE THE TERMS OF THE SUPERIOR COURT IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That portion of Section 7-70 of the General Statutes of North Carolina, fixing the terms of Superior Court for Caldwell County in the Sixteenth Judicial District, is hereby rewritten to read as follows:

Caldwell County, terms of Superior Court.

"Caldwell—First Monday before the first Monday in March; second Monday before the first Monday in September, each to continue two weeks; eleventh Monday after the first Monday in March, to continue two weeks, for civil cases only; twelfth Monday after the first Monday in September, to continue two weeks, for the trial of civil and criminal cases; the eighth Monday before the first Monday in March, to continue two weeks, for the trial of civil cases only; ninth Monday after the first Monday in March, to continue one week, for the trial of civil and criminal cases; fourth Monday after the first Monday in September, to continue two weeks, for the trial of civil cases only; thirteenth Monday after the first Monday in March, to continue two weeks, for the trial of civil cases only; first Monday in September, to continue two weeks, for the trial of civil cases only. For the last five terms provided for above, the Governor may assign a regular, special, or emergency judge

Assignment of regular, special or emergency judge for certain terms.

when the judge regularly assigned to the district is unable to hold said terms for any cause set out in Article IV, Section 11, of the Constitution.

Assignment of regular, special or emergency judge for any term if regular judge not available.

"If the regular judge holding the courts in the Sixteenth District is not available for any cause set out in Article IV, Section 11, of the Constitution, to hold any of the terms of court provided for in this Act, the Governor shall assign a judge to hold such term or terms from among the regular, special or emergency judges."

Conflicting laws repealed.

SEC. 2. All general, special, and local laws and clauses of laws in conflict with this Act are hereby repealed, it being the intent and purpose of this Act that the terms of court herein provided for shall supersede and be in substitution of all other terms of court in Caldwell County.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after April 1st, 1949.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 454 CHAPTER 454

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN MOORE COUNTY IN THE THIRTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Moore County in the Thirteenth Judicial District is rewritten to read as follows:

Moore County, terms of Superior Court.

"Moore County—Sixth Monday before the first Monday in March, for the trial of criminal cases only, to continue for one week; third Monday before the first Monday in March, for the trial of civil cases only, to continue for one week; third Monday after the first Monday in March, for the trial of civil cases only, to continue for one week; eleventh Monday after the first Monday in March, to continue for two weeks, the first week for the trial of criminal cases only and the second week for the trial of civil cases only; third Monday before the first Monday in September, to continue for one week, for the trial of criminal cases only; second Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only; second Monday after the first Monday in November, for the trial of civil cases only, to continue for one week."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 538 CHAPTER 455

AN ACT TO CREATE A COMMISSION TO BE KNOWN AS THE CHERRY POINT MARINE CORPS AIR STATION ZONING COMMISSION, WHICH SHALL HAVE CERTAIN ZONING AUTHORITY IN PORTIONS OF THE COUNTIES OF CRAVEN AND CARTERET.

The General Assembly of North Carolina do enact:

Name of Commission.

SECTION 1. There is hereby created a zoning commission to be known as the Cherry Point Marine Corps Air Station Zoning Commission.

Appointment of members; terms.

SEC. 2. The Cherry Point Marine Corps Air Station Zoning Commission shall consist of five members, two members to be appointed by the Board of Commissioners of Craven County, two members to be appointed by the Board of Commissioners of Carteret County and one member to be appointed by the Commanding General of the Cherry Point Marine Corps Air Station Base, each of whom shall serve without compensation for a period of two years or until their successors are appointed and qualified. Each member shall be considered as holding office as a commissioner for special purpose within the meaning of Article XIV, Section 7, of the North Carolina Constitution, and if any officer is appointed, his powers and duties shall be in addition to other powers and duties, and he shall serve as an ex-officio member of the commission.

Members deemed commissioners for special purpose.

Powers of Commission.

SEC. 3. The Cherry Point Marine Corps Air Station Zoning Commission shall have the same powers which are given to the legislative bodies and zoning commissions of cities and incorporated towns by Article XIV of Chapter 160 of the General Statutes: *Provided, however*, appeals may be had on decisions of the said zoning commission to the Board of Commissioners of Craven County as to any zoning regulations affecting property inside of that county, and to the Board of Commissioners of Carteret County as to any zoning regulations affecting property inside of that county. Each of said boards of county commissioners shall act as boards of adjustment, with the powers and duties prescribed by G. S. 160-178 for boards of adjustment appointed thereunder, and the procedure in such matters shall be as thereby prescribed.

Appeals from decisions of Zoning Commission.

Boards of adjustment.

Area of jurisdiction of Commission.

SEC. 4. The area over which the Cherry Point Marine Corps Air Station Zoning Commission shall have jurisdiction is described as follows:

Beginning in Craven County at the southeastern corner of the Cherry Point Marine Corps Air Station Base, on Highway #101, and running thence South one mile; thence westwardly and parallel with State Highway #101, to a point one mile eastwardly of U. S. Highway #70; thence southwardly and parallel with said Highway #70 to the northern boundary of the Town of Newport in Carteret County, or said boundary extended eastwardly; thence westwardly with said boundary of said town, or said boundary extended, to the right of way of the Atlantic and North Carolina Railroad Company; thence northwardly with said right of way of said railroad company to a point one mile northwardly of the West prong of Slocum's Creek; thence North 45 degrees East to the boundary of said Cherry Point Marine Corps Air Station Base, and thence with said boundary southwardly and eastwardly to the place of beginning.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after June 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 546 **CHAPTER 456**

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF SUPERIOR COURT IN ALLEGHANY COUNTY IN THE ELEVENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That portion of G. S. 7-70 fixing the terms of Superior Court in Alleghany County in the Eleventh Judicial District is rewritten to read as follows:

Alleghany County, terms of Superior Court.

"Alleghany County—Fifth Monday before the first Monday in March; eighth Monday after the first Monday in March; third Monday before the first Monday in September; fourth Monday after the first Monday in September. All terms to be held by the regular judge, and to be for the trial of civil and criminal cases."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 556 CHAPTER 457

AN ACT AUTHORIZING THE ONSLOW COUNTY BOARD OF ALCOHOLIC CONTROL TO TURN OVER TO THE ONSLOW COUNTY GENERAL FUND MONEYS HELD FOR LAW ENFORCEMENT PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. The Onslow County Board of Alcoholic Control is authorized to turn over to the Onslow County General Fund all funds held by it as of January 1st, 1949, for law enforcement purposes.

Onslow County, certain ABC funds paid to general fund.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 590 CHAPTER 458

AN ACT TO REWRITE THAT PORTION OF G. S. 7-70 FIXING THE TERMS OF THE SUPERIOR COURT OF ALEXANDER COUNTY, IN THE FIFTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend that portion of G. S. 7-70 fixing the terms of the Superior Court for Alexander County, in the Fifteenth Judicial District, by rewriting the same so that the same shall hereafter read as follows:

G. S. 7-70, amended.

"Alexander—Sixth Monday before the first Monday in March, to continue for two weeks, for the trial of civil and criminal cases; first Monday before the first Monday in September, to continue for two weeks, for the trial of criminal and civil cases. For these terms of court the Governor may assign a judge to hold the same from among the regular, special or emergency judges."

Alexander County, terms of Superior Court.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 641 CHAPTER 459

AN ACT TO PROVIDE PROCEDURE FOR THE ELECTION OF OFFICIALS FOR THE TOWN OF EUREKA IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Town of Eureka, biennial election of town officials.

SECTION 1. The Governing Body of the Town of Eureka in Wayne County shall call an election to be held on the first Tuesday after the first Monday in May, 1950, and biennially thereafter, for the purpose of electing officials for the Town of Eureka, formerly known as the Village of Sauls' Cross Roads in Wayne County.

Conduct of election.

SEC. 2. The elections provided for herein shall be called and conducted, and the results determined and certified, in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina, and such other laws governing and controlling general municipal elections at the time such election may be held.

Terms, etc., of incumbent officials extended.

SEC. 3. The terms, responsibilities and authority of all officials holding the several municipal offices in the Town of Eureka at the time of the ratification of this Act are hereby extended and continued until the first Tuesday after the first Monday in May, 1950, or until their several successors are named and qualified.

Ch. 90, Laws of N. C., 1879, amended.

Conflicting laws repealed.

SEC. 4. Section 3 of Chapter 90 of the Laws of North Carolina, Session 1879, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 675 CHAPTER 460

AN ACT TO ABOLISH THE FIXED FEE FOR JUSTICES OF THE PEACE OF RICHMOND COUNTY, NORTH CAROLINA, AND TO REENACT THE FEE SCHEDULE.

The General Assembly of North Carolina do enact:

Cited Public-Local Laws repealed.

SECTION 1. That Chapter 342 of the Public-Local Laws of 1933, Chapter 467 of the Public-Local Laws of 1933, and Chapter 358 of the Public-Local Laws of 1935 and Chapter 100 of the Public-Local Laws of 1935 are hereby repealed.

SEC. 2. That Richmond County be excepted and removed from the operation of Chapter 7, Section 134, of the General Statutes of North Carolina of 1943.

G. S. 7-134, amended to exempt Richmond County.

SEC. 3. That the following and none other shall be the sole fees to be taxed and collected by the Justices of the Peace of Richmond County, North Carolina: Affidavits, 50c; Warrants of arrest, $1.25; Bond to the J. P. Court, $1.00; Trial and judgment, each defendant, $2.00; Judgment in a jury trial, $5.00; Commitments, each defendant, $1.00; Recognizance, $1.00; Judgment nisi, each defendant, $1.00; Capias and order, each defendant, $2.00; Subpoenas, each witness, 25c; Witness or jury tickets, each 10c; Bond to the Superior Court, $1.00; Bond to Richmond County Special Court or the Hamlet's Recorder Court, each defendant, $1.00; Each continuance of a cause, each defendant, 25c; Affidavit and order of removal, each defendant, $1.00; Return of appeal, $1.00; Itemizing the bill of cost, 75c; Impanelling the jury, $1.00; Drawing jury from the jury box, $1.00; Summoning jurors, $3.00; Sending papers out of the county, $1.50; Notices, each 50c; Order of seizure of property in claiming deliveries, $1.00; Order of attachment, $1.00; Order of eviction, $1.00; Acknowledgments, each person, $1.00; Transcript of judgment, 75c.

Fees of Justices of Peace, Richmond County.

SEC. 4. The Justices of the Peace of Richmond County shall cause to be printed upon their processes a schedule of the fees as they may apply to the particular process being issued and shall itemize their cost on the said process and all processes forwarded to a higher court, either the criminal or civil, shall contain the schedule showing the cost as totaled and collected.

Schedule of fees printed upon processes.

SEC. 5. Each justice of the peace shall make a monthly report not later than the tenth day of the next succeeding month to the clerk of the court, returning therewith the original process with the cost totaled and collected shown thereon, the same to become a matter of public record in the office of the Clerk of the Superior Court.

Monthly report of Justice of Peace to Clerk Superior Court.

SEC. 6. All laws, and clauses of laws, in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. If any portion, or clause of this Act shall be held unconstitutional, it shall not be held to invalidate the remaining portions of the Act.

Partial invalidity section.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 696 **CHAPTER 461**

AN ACT TO REGULATE THE SALE OF BAY RUM IN MOORE COUNTY.

Preamble: Moore County, use of bay rum as beverage.

WHEREAS, there has been an excessive use in Moore County of bay rum as a beverage; and

Increased public drunkenness.

WHEREAS, such use of bay rum as a beverage has resulted in increased public drunkenness; and

WHEREAS, such use of bay rum as a beverage has been injurious to the health of many persons in Moore County; and

Use as beverage should be discontinued.

WHEREAS, it is in the best interest of the health and welfare of the citizens of Moore County that the use of bay rum as a beverage shall be discontinued: *Now, therefore,*

The General Assembly of North Carolina do enact:

Moore County, regulation of sale of bay rum.

SECTION 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any bay rum in Moore County, or to cause any delivery of bay rum to be made in Moore County pursuant to any sale thereof, except

(1) When such sale is made to a pharmacy or drug store, supervised by a person licensed as a pharmacist or assistant pharmacist as described in G. S. 90-71, or

(2) When such sale is made pursuant to a prescription of some duly licensed physician, or

(3) When such sale is made to a duly licensed barber for use in the course of treatments given or services performed in a barber shop, and not for resale.

Violations made misdemeanor.

SEC. 2. Any person who violates any provisions of this Act shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective thirty days after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 697 **CHAPTER 462**

AN ACT TO AMEND GENERAL STATUTES OF NORTH CAROLINA, SECTION 106-371 AND 106-372 RELATING TO THE VACCINATION OF DOGS AGAINST RABIES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 106-371 of the General Statutes of North Carolina be amended by adding at the end thereof the following:

G. S. 106-371, vaccination of dogs against rabies, amended.

"*Provided* that any county of the State of North Carolina, in the discretion of its board of county commissioners may operate one or more dog pounds, or it may join any city or town in said county in operating a dog pound or dog pounds; and if the said county shall operate a dog pound or dog pounds, either alone or in conjunction with a city or town as above provided, it shall be the duty of the sheriff of said county and his deputies to impound every dog running at large and not wearing the metal tag provided for in Section 106-369. Dogs not redeemed by the owners after due notice in accordance with regulations made by the board of county commissioners shall be killed; and the board of county commissioners are authorized and empowered to make rules and regulations governing the operation of said dog pounds. When the provisions of this proviso have been complied with by any county, the said county, its officers and inhabitants shall be relieved of complying with any provision of 106-371, not contained herein".

Operation of dog pounds by county.

Impounding of dogs running at large without metal tag.

Dogs not redeemed, after due notice, killed.

Regulations for operation of pounds.

Application of G. S. 106-371.

SEC. 2. That Section 106-372 of the General Statutes of North Carolina be amended by adding at the end thereof:

G. S. 106-372, amended as to credit of vaccination fee on dog tax.

"*Provided* further that if the taxpayer fails to present his certificate of vaccination at the time he shall pay his taxes, and thus obtain credit on his taxes as above provided, then and in that event said taxpayer, may, at any time within twelve months after paying the said vaccination fee, present the certificate of vaccination and the person collecting taxes on behalf of the county shall refund in cash to the taxpayer a sum equal to the amount of credit upon his taxes he would have been entitled to, as above provided".

SEC. 3. The provisions of this Bill shall apply to Guilford County only.

Act applicable only to Guilford County.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 705 CHAPTER 463

AN ACT RELATING TO THE AUDITOR'S OFFICE OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Brunswick County, auditor's office, employment and compensation of clerical assistant.

SECTION 1. The Board of Commissioners of Brunswick County is hereby authorized, in its discretion, to employ a clerical assistant for the county auditor's or accountant's office if and when, and for so long as, the same seems necessary and desirable. Said board shall fix the compensation of said clerical assistant, in its discretion, and such clerical assistant shall serve at the pleasure of the board.

Ch. 491, Public-Local Laws, 1933, and other conflicting laws repealed.

SEC. 2. Chapter 491 of the Public-Local Laws of 1933 and all other laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 715 CHAPTER 464

AN ACT TO AMEND CHAPTER 303 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO THE DISTRIBUTION OF PROFITS FROM THE ALCOHOLIC BEVERAGE CONTROL STORES IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 303, Public-Local Laws, 1941, as to distribution of ABC profits, Greene County, amended.

SECTION 1. Section 1 of Chapter 303 of the Public-Local Laws of 1941 is hereby amended by striking out the first two lines of said Section and inserting in lieu thereof the words, "From and after July 1, 1949, twenty per cent (20%) of all net profits from", and by striking out the words "ten per cent" in line 5 and inserting in lieu thereof the words and figures "twenty per cent (20%)".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 727 CHAPTER 465

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS TO RELIEVE THE COUNTY AUDITOR OF ROWAN COUNTY OF THE DUTIES OF TAX SUPERVISOR, AND TO AUTHORIZE SAID COMMISSIONERS TO APPOINT A TAX SUPERVISOR AND FIX HIS SALARY.

The General Assembly of North Carolina do enact:

Rowan County, authority to relieve county auditor of tax duties.

SECTION 1. The Board of County Commissioners of Rowan County is hereby authorized, in its discretion, to relieve the county auditor of said county of all duties imposed upon his office by Chapter 605 of the Public-Local Laws of 1915, and all Acts amendatory thereto, with respect to tax supervision and listing of taxes in said county.

Appointment of tax supervisor.

Compensation.

SEC. 2. The Board of County Commissioners of Rowan County is authorized to appoint some suitable person as tax supervisor for said county who shall serve at its will and who shall be paid such compensation as, in its discretion, may be deemed appropriate.

Oath of office and duties of supervisor.

SEC. 3. Upon the appointment of a tax supervisor as provided in Section 2 of this Act, the person so appointed shall take the oath of office prescribed in Article 14 of Chapter 105 of the General Statutes and shall be clothed with all the powers, duties and responsibilities of tax supervisors set out and prescribed in said Article.

Transfer of duties of supervisor to auditor.

Additional compensation.

SEC. 4. The Board of County Commissioners of Rowan County may, in its discretion, add the duties and powers of county tax supervisor to those now being performed by the county auditor and, in such event, may pay such county auditor such additional compensation for such services as, in its discretion, it may deem appropriate.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 731 CHAPTER 466

AN ACT TO FIX THE CLERK'S FEES IN THE SUPERIOR COURT AND RECORDER'S COURT OF COLUMBUS COUNTY AND TO PROVIDE FOR PERMANENT RECORDS IN SAID CLERK'S OFFICE.

The General Assembly of North Carolina do enact:

Columbus County, maintenance of certain records by Clerk Superior Court.

SECTION 1. In Columbus County the civil issue docket, the summons docket and the bill of costs shall be kept by the Clerk of the Superior Court in one bound book or books and all entries therein shall be made in ink or by typewriter.

Fees of Clerk Superior Court.

SEC. 2. In all civil and criminal actions in the Superior Court of Columbus County and in all special proceedings in Columbus County, the fees of the Clerk of the Superior Court shall be seven dollars ($7.00), to be paid in advance.

Recorder's Court, fees of Clerk.

Solicitor's fee.

SEC. 3. In all cases in the Recorder's Court of Columbus County, the fees of the clerk of said court shall be five dollars and ten cents ($5.10) and the solicitor's fee shall be six dollars ($6.00).

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 733 CHAPTER 467

AN ACT RELATING TO THE SALE OF BEER IN THE TOWN OF WHITEVILLE.

The General Assembly of North Carolina do enact:

Town of Whiteville, regulation of possession and sale of beer.

SECTION 1. It shall be unlawful for beer, as defined in Section 18-64, Subsection (a), of the General Statutes, to be sold in the Town of Whiteville, for consumption on the premises, except in bona fide hotels, cafeterias, cafes and restaurants which have a grade A rating from the State Board of Health, and "on premises" licenses for the retail sale of beer shall be issued only to such hotels, cafeterias, cafes and restaurants.

SEC. 2. It shall be unlawful for any retail beer dealer who does not have an "on premises" retail beer license, or whose premises is other than a grade A hotel, cafeteria, cafe or restaurant, to keep, on or about his premises wherein beer is sold for consumption off the premises, beer in any quantity on ice or under any refrigeration.

SEC. 3. A violation of the provisions of this Act shall constitute a misdemeanor punishable by fine or imprisonment or by both fine and imprisonment, in the discretion of the court. Violations made misdemeanor.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after May 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 734 CHAPTER 468

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR THE COLUMBUS COUNTY HOSPITAL.

The General Assembly of North Carolina do enact:

SECTION 1. The terms of office of the present Trustees of the Columbus County Hospital shall expire on April 1, 1949. The following named persons are hereby appointed Trustees of the Columbus County Hospital and shall assume office as Trustees of the Columbus County Hospital on the first day of April, 1949, as successors to the present trustees, and shall serve for the number of years set opposite their respective names. Columbus County Hospital, term of office of present trustees. Appointment and terms of successor trustees.

C. L. Tate	2 years.
A. H. Sessions	4 years.
S. P. Smith	4 years.
Mrs. Josiah A. Maultsby	4 years.
Mrs. R. L. Sholar	6 years.
J. Herman Leder	6 years.
A. W. Williamson	6 years.

SEC. 2. In case of any vacancies on said board of trustees the Board of Commissioners of Columbus County shall appoint. Vacancy appointments.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 735 CHAPTER 469

AN ACT TO FIX THE TERMS OF GRAND JURORS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Columbus County, terms of grand jurors.

SECTION 1. At the May term, 1949, of the Superior Court of Columbus County for the trial of criminal cases the first nine persons chosen as members of the grand jury shall serve for one year and until their successors are chosen and qualified; and at the beginning of the May term of the Superior Court of Columbus County, for the trial of criminal cases in each succeeding year, nine additional jurors shall be chosen to serve for one year and until their successors are chosen and qualified.

Purpose of Act.

SEC. 2. It is the intent and purpose of this Act to insure that the grand jury in Columbus County shall at all times have nine experienced jurors thereon.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 737 CHAPTER 470

AN ACT TO CREATE AND ESTABLISH A BUREAU OF IDENTIFICATION FOR THE COUNTY OF COLUMBUS.

The General Assembly of North Carolina do enact:

Columbus County, creation of Bureau of Identification.

SECTION 1. In order to provide for the performance of the duties hereinafter designated and defined, there is hereby created and established a Bureau of Identification for the County of Columbus.

Appointment of identification expert.

Salary.

SEC. 2. H. L. Shaw is hereby appointed as identification expert for the period beginning July 1, 1949, at a salary of two hundred seventy-five dollars ($275.00) per month, payable monthly, to be paid by the County of Columbus.

Subsequent appointments.

SEC. 3. On the first Monday in July, 1951, and once every two years thereafter, there shall be appointed by the County Commissioners of Columbus County an identification expert, who shall succeed to all the powers and duties exercised by the identification expert appointed by the terms of this Act.

Supervision of bureau.

SEC. 4. The identification expert appointed by the terms of this Act shall be in charge of the bureau of identification cre-

ated herein, which bureau of identification shall be under the supervision of the Governing Body of the County of Columbus.

Duties of identification expert.

SEC. 5. It shall be the duty of the identification expert to fingerprint and photograph such persons arrested in Columbus County for any offense as in his opinion or in the opinion of the Governing Body of the County of Columbus may be necessary, and it shall also be the duty of the identification expert to make photographs of the scene of all homicides and to assist the Sheriff of Columbus County and the Police of the Town of Whiteville in all matters for the apprehension of criminals, and the said identification expert shall be vested with the authority of a Deputy Sheriff of Columbus County.

Expert vested with authority of deputy sheriff.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 742 CHAPTER 471

AN ACT RELATING TO THE FEES TO BE RECEIVED BY JUSTICES OF THE PEACE IN GUILFORD COUNTY, AND AMENDING CHAPTER 324 OF THE PUBLIC LAWS OF 1941.

The General Assembly of North Carolina do enact:

Ch. 324, Public Laws, 1941, amended to prescribe fees of Justices of Peace, Guilford County.

SECTION 1. That Section 1 of Chapter 324 of the Public Laws of 1941 is amended by adding the word "Guilford" after the word "Henderson" in line 3 and by adding the word "Guilford" between the words "Henderson" and "County" in line 7.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 743 **CHAPTER 472**

AN ACT TO VALIDATE AND CONFIRM CERTAIN OFFICIAL ACTS OF CAROLYN V. COOPER IN HER CAPACITY AS DEPUTY CLERK AND ASSISTANT CLERK OF THE SUPERIOR COURT OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Surry County, official acts of Carolyn V. Cooper as Deputy or Assistant Clerk, Superior Court, validated.

SECTION 1. All official acts deeds and undertakings of Carolyn V. Cooper performed in the capacity of Deputy Clerk or Assistant Clerk of the Superior Court of Surry County from the time of her appointment as deputy clerk of said court on March 1, 1945, and from the time of her appointment and qualification as assistant clerk of said court on September 3, 1945, are hereby ratified, confirmed and validated in all respects. The Clerk of the Superior Court of Surry County is hereby authorized and empowered to enter such judgments, orders or decrees and to make such entries upon the records in the office of the Clerk of the Superior Court, nunc pro tunc, as may be necessary or desirable in order to validate and ratify such acts of Carolyn V. Cooper, and such judgments, orders and decrees or record entries entered by the clerk shall be of the same force and effect and validity as if made by said clerk at the time of the acts and deeds of Carolyn V. Cooper herein ratified and validated.

Nunc pro tunc orders of validation.

SEC. 2. This Act shall not affect pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 748 **CHAPTER 473**

AN ACT TO FIX THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY AND TO PROVIDE FOR THE CONTINUATION OF A SPECIAL TRUST FUND CREATED BY CHAPTER 147, SESSION LAWS 1943.

The General Assembly of North Carolina do enact:

Forsyth County, salary of Clerk Superior Court.

SECTION 1. (a) The Clerk of the Superior Court of Forsyth County shall be paid a salary of eight thousand ($8,000.00) dollars per year, effective as of January 1st, 1949, payable in twelve equal monthly installments or, at the election of the Forsyth County Board of Commissioners, in twenty-four equal

semi-monthly installments, as full compensation for his services as Clerk of the Superior Court, and the same shall be in lieu of any fees and commissions and any other compensation whatever that may come to him by virtue of his office, or by reason of any public, public-local, or private act for his services as clerk, and the same shall be in lieu of any and all claims by said clerk to interest received from investments of unallocated funds, or from any other source whatsoever.

Salary in lieu of fees, commissions and emoluments.

(b) All funds now held by Forsyth County in a special trust fund for the Clerk of the Superior Court of Forsyth County pursuant to the provisions of Chapter 147, Session Laws 1943 shall continue to be held by Forsyth County in said special trust fund as hereinafter provided. All interest and dividends received from investments of unallocated funds and collected after January 1st, 1949 by the Clerk of the Superior Court shall be paid over by said clerk to Forsyth County to be invested in said special trust fund as hereinafter provided. All funds now held by Forsyth County in said special trust fund and all interest and dividends earned and collected from the investment of unallocated funds and paid to Forsyth County after January 1st, 1949 must be held in said special trust fund and must be invested by Forsyth County as provided by law for the investments of funds by guardians and other fiduciaries, and on sufficient proof shown shall be applied to the making of settlement with the creditors of the office of the Clerk of Superior Court of Forsyth County to cover any losses that might occur in the clerk's office not due to the wilful misconduct of the clerk, but said Forsyth County shall not be liable for such losses beyond the amount in said special trust fund. The special trust fund hereinbefore provided for shall terminate upon the qualification of a Clerk of the Superior Court other than W. E. Church, the present incumbent, and the balance on deposit in said special trust fund upon the retirement of said clerk shall belong to Forsyth County and shall be transferred to its general fund discharged of the trust. A similar special trust fund shall be set up in the same manner and on the same terms and conditions, and from the same source, as herein set out for the use and benefit of each succeeding clerk.

Continuation of special trust fund for clerk.

Interest and dividends from investment of unallocated funds payable to special trust fund.

Investment of special trust fund.

Application of funds to settlement of accounts and payment of certain losses.

Limitation on liability.

Termination of special trust fund.

Subsequent funds.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 751 CHAPTER 474

AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES FIXING THE TERMS OF THE SUPERIOR COURT FOR COLUMBUS COUNTY IN THE EIGHTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That portion of Section 7-70 of the General Statutes, fixing the terms of the Superior Court for Columbus County in the Eighth Judicial District, is hereby rewritten to read as follows:

Columbus County, terms of Superior Court.

"Columbus—Eighth Monday before the first Monday in March, a term of two weeks for the trial of civil cases only; fifth Monday before the first Monday in March, a term of two weeks for the trial of criminal cases only; second Monday before the first Monday in March, a term of two weeks for the trial of civil cases only; ninth Monday after the first Monday in March, a term of one week for the trial of criminal cases only; fifteenth Monday after the first Monday in March, a term of one week for the trial of civil and criminal cases; first Monday before the first Monday in September, a term of one week for the trial of criminal cases only; first Monday in September, a term of one week for the trial of criminal cases only; third Monday after the first Monday in September, a term of two weeks for the trial of civil cases only; seventh Monday after the first Monday in September, a term of two weeks for the trial of criminal cases only; tenth Monday after the first Monday in September, a term of one week for the trial of criminal cases only; eleventh Monday after the first Monday in September, a term of two weeks for the trial of civil cases only."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 753 CHAPTER 475

AN ACT TO LIMIT THE NUMBER OF SALARIED DEPUTY SHERIFFS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Columbus County, salaried deputy sheriffs.

SECTION 1. The County Commissioners of Columbus County shall employ no more than four (4) salaried deputy sheriffs in said county.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 755 CHAPTER 476

AN ACT FIXING THE DATE ON WHICH THE MUNICIPAL OFFICERS OF THE TOWN OF RICHLANDS, ONSLOW COUNTY, N. C., SHALL BEGIN THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. The Mayor, the Board of Aldermen, and all other elective officials of the Town of Richlands elected in the general municipal election during the month of May 1949 shall be inducted into and assume the duties of their respective offices on the first day of July 1949, and biennially thereafter the municipal officers elected in the general municipal election shall be inducted into and assume the duties of their respective offices on the first day of July following the date on which they are elected. Town of Richlands, date of induction into office of municipal officials.

SEC. 2. The governing body of said town is authorized to pay the mayor a salary not to exceed twenty-five dollars ($25.00) per month out of the town's general fund. Salary of mayor.

SEC. 3. Each of the members of the governing body of said town shall be paid the sum of two dollars ($2.00) for each regular or special meeting of said board attended by such member, said sum to be paid out of the town's general fund. Compensation of members of governing body.

SEC. 4. The fiscal year of the Town of Richlands shall begin on the first day of each July hereafter and end on the thirtieth day of each following June. Fiscal year.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 758 CHAPTER 477

AN ACT TO AUTHORIZE THE PAYMENT OF A SUM NOT TO EXCEED TWO THOUSAND ONE HUNDRED DOLLARS BY THE COUNTY COMMISSIONERS OF LENOIR COUNTY TO THE NORTH CAROLINA SANATORIUM, IN FULL SETTLEMENT, TO DECEMBER 31, 1948.

Preamble: Claim of N. C. Sanatorium against Lenoir County.

WHEREAS, the North Carolina Sanatorium has presented a claim to Lenoir County for services alleged to have been rendered to tubercular patients residing in Lenoir County without prior authorization for payment by Lenoir County; and

Question as to validity of claim.

WHEREAS, the validity of said claim has been questioned and dispute has arisen regarding numerous bills presented which constitute the claim of said Sanatorium; and

Desire of County to discharge obligation.

WHEREAS, Lenoir County desires to discharge any obligation it may owe for services rendered to indigent tubercular citizens of Lenoir County: *Now, therefore,*

The General Assembly of North Carolina do enact:

Lenoir County, appropriation for settlement of claims of N. C. Sanatorium authorized.

SECTION 1. The Board of County Commissioners of Lenoir County is hereby authorized to appropriate and expend from the General Fund of Lenoir County a sum not to exceed two thousand one hundred dollars ($2,100.00) in settlement of such claims made prior to December 31, 1948, by the North Carolina Sanatorium at McCain, as in the judgment and discretion of the said board of county commissioners should be paid for services rendered to tubercular patients residing in Lenoir County: *Provided,* that the amount so determined and paid to said Sanatorium shall be accepted in full satisfaction of all disputed claims made by it against Lenoir County prior to December 31, 1948.

Amount paid in full satisfaction of subject claims.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 763 CHAPTER 478

AN ACT TO TRANSFER CERTAIN ASSETS TO THE GENERAL FUND OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Harnett County, delinquent tax collections payable to general fund.

SECTION 1. All delinquent taxes due Harnett County which have been due and payable for two or more years, shall, when collected, and on the date of said collection, together with the penalties and costs accrued, be paid into the General Fund of Harnett County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 766 CHAPTER 479

AN ACT CHANGING THE TITLE OF COMMISSIONER OF HIGHWAYS OF BUNCOMBE COUNTY TO COMMISSIONER OF PUBLIC UTILITIES.

The General Assembly of North Carolina do enact:

Ch. 479, Public-Local Laws, 1917, amended to change title of Commissioner of Highways, Buncombe County.

New title, Commissioner of Public Utilities.

Continuation of powers, duties, etc., of office.

SECTION 1. Chapter 479 of the Public-Local Laws of 1917 is hereby amended by striking out the words "Commissioner of Highways" and "Commissioner of Public Highways" wherever the same appear in said Act, and by inserting in lieu thereof the words "Commissioner of Public Utilities". The present commissioner of highways shall henceforth be known as commissioner of public utilities, and said office shall have the same powers, duties and responsibilities as the office of commissioner of highways has heretofore had by law, and said commissioner of public utilities shall receive the same compensation as now provided for the commissioner of highways.

Ch. 14, Session Laws, 1947, amended as to compensation of Commissioners of Public Institutions and Public Utilities.

SEC. 2. Section 1 of Chapter 14 of the Session Laws of 1947 is hereby amended by striking out in lines 8 and 9 thereof, the following: "in lieu of any other salaries or compensation.", and by substituting a period for the comma appearing in line 8 following the word "year".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 775 CHAPTER 480

AN ACT TO FIX THE PAY OF LOCAL REGISTRARS OF VITAL STATISTICS IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Bladen County, fees of local Registrars of Vital Statistics.

SECTION 1. That each local Registrar of Vital Statistics in Bladen County shall be paid the sum of seventy-five cents (75c) for each birth certificate and each death certificate properly and completely made out and registered by him, correctly recorded and promptly returned by him to the State Registrar as required by Article 9, Chapter 130, of the General Statutes of North Carolina.

Application of provisions of G. S. 130-101, pay of local registrars, to county.

SEC. 2. That the provisions of G. S. 130-101, in so far as the same conflicts with the provisions of this Act shall not apply to Bladen County, but the provisions of said Act, not in conflict with or repugnant to this Act, shall continue to apply to said county, it being the intent and purpose of this Act to increase the fee for registration of vital statistics from fifty cents (50c) to seventy-five cents (75c).

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 777 **CHAPTER 481**

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF CURRITUCK COUNTY TO DISPOSE OF CERTAIN SCHOOL PROPERTY IN SAID COUNTY WHICH IS NO LONGER USED FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Currituck County, Board of Education, disposition of certain school property, authorized.

SECTION 1. The Board of Education of Currituck County is hereby authorized, ordered, directed, and empowered to make, execute, and deliver to the Powells Point Home Demonstration Club, of Powells Point, Currituck County, within sixty days after the ratification of this Act, a deed to that certain tract or lot of land situated in Powells Point, Currituck County, North Carolina, known as the Powells Point school property, which property is now owned by the Board of Education of Currituck County.

Use of property for public purposes.

SEC. 2. The property referred to in Section 1 of this Act, when so conveyed, shall be used for such public purposes as may be determined by the Powells Point Home Demonstration Club.

Appointment and duties of trustees for property.

SEC. 3. The officers of the Powells Point Home Demonstration Club, of Powells Point, Currituck County, are hereby appointed as trustees for the purpose of taking title to the property referred to in Section 1 of this Act, and for the purpose of managing, operating, and controlling the same as Powells Point Community Center, and they shall have authority to construct such building or buildings upon said property, without the expenditure of public funds, as they may deem proper.

Reversion of property to Board of Education if not used for purposes specified.

SEC. 4. In the event the Powells Point Home Demonstration Club shall fail or refuse to utilize said property as a community center, or for some other public purpose, then, and in such event, the title of said property shall revert to and become the property of the Board of Education of Currituck County in the same manner as if the conveyance herein provided for had never been made.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 786 **CHAPTER 482**

AN ACT PROVIDING FOR COURT REPORTERS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Ch. 646, Public Laws, 1909, repealed.

SECTION 1. Chapter 646 of the Public Laws of 1909 is hereby repealed.

Guilford County, employment of court reporters authorized.

SEC. 2. The Board of County Commissioners of Guilford County is hereby authorized and directed and empowered to provide for the reporting of the proceedings of the Superior Courts of Guilford County and to that end said board is authorized, empowered, and directed to employ one or more competent reporters, one of whom shall be the court reporter, and the others shall be assistant court reporters; and the court reporter and the assistant court reporters shall report all terms of the Superior Court of Guilford County and all hearings before a judge in chambers, of causes pending in Guilford Superior Court; unless excused from such attendance by the judge holding the court or hearing, and the reporter or assistant reporter reporting any cause shall be under the supervision of the presiding judge.

Duties of reporters.

Supervision of reporters.

Attendance of reporter at hearings before clerk and referees.

SEC. 3. The board of county commissioners is also empowered to make provision for the attendance of a court reporter at hearings before the Clerk of the Superior Court of Guilford County and before referees appointed by Judge or Clerk of the Superior Court, and for the performance by the court reporter of such other official acts as to them seems wise.

Oath of reporter.

SEC. 4. Before entering upon the duties of said office, each such reporter shall take and subscribe an oath to correctly and honestly discharge his or her duties, as prescribed by the judge, clerk, commissioner, referee or other person before whom any cause may be heard or tried.

Term of office.

SEC. 5. The court reporter and/or his or her assistants shall hold office at the will of the county commissioners.

Compensation.

SEC. 6. The compensation of the court reporter and his or her assistants shall be that mutually agreed upon by them and the board of county commissioners.

Fees for reporter taxed as part of bill of costs.

SEC. 7. In all cases where the court reporter is not actually used, there shall be docketed a fee of one dollar for said reporter as a part of the costs; and in all cases where the services of said reporter are used a fee of ten dollars per day or fraction thereof shall be docketed for the said reporter as a part of the costs; and such fees shall be disposed of as are the fees of Clerks of the Superior Court and Register of Deeds in Guilford County.

Disposition of fees.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 797 CHAPTER 483

AN ACT TO AMEND CHAPTER 352 OF THE PUBLIC-LOCAL LAWS OF 1939, RELATING TO THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 352 of the Public-Local Laws of 1939, is hereby amended by striking out the words and figures "five dollars ($5.00)" from line 3 of said Section, and substituting in lieu thereof the words and figures "ten dollars ($10.00)".

Ch. 352, Public-Local Laws, 1939, amended to increase compensation of Commissioners, Madison County.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 798 CHAPTER 484

AN ACT RELATING TO THE EMPLOYMENT OF A DEPUTY CLERK OF THE SUPERIOR COURT AND A CLERICAL ASSISTANT TO THE REGISTER OF DEEDS AND A FIRST DEPUTY SHERIFF IN MADISON COUNTY, AND TO FIX THE SALARY OF EACH.

The General Assembly of North Carolina do enact:

SECTION 1. The Clerk of the Superior Court of Madison County is hereby authorized to appoint a deputy clerk, who shall receive a salary of nine hundred dollars ($900.00) per annum, to be paid in twelve equal installments from the general fund of the county; and the Register of Deeds of Madison County is hereby authorized to employ a clerical assistant, who shall receive a salary of nine hundred dollars ($900.00) per annum, to be paid in twelve equal installments from the general fund of the county; and the Sheriff of Madison County is hereby

Madison County, Clerk Superior Court, appointment of deputy clerk; salary.

Register of Deeds, appointment of clerical assistant; salary.

Sheriff, appointment of first deputy; salary.

authorized to appoint a first deputy, who shall receive a salary of nine hundred dollars ($900.00) per annum, to be paid in twelve equal installments from the general fund of the county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 804 CHAPTER 485

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS FOR WAKE COUNTY TO APPROPRIATE FUNDS FOR THE MAINTENANCE OF RECORDERS' COURTS.

The General Assembly of North Carolina do enact:

Wake County, appropriations for maintenance of recorders' courts.

SECTION 1. The Board of County Commissioners of Wake County are hereby empowered and authorized to appropriate and pay to the several recorders' courts in Wake County, outside of the City of Raleigh, towards the maintenance of said courts a sum not exceeding six hundred dollars ($600.00) annually to each of said courts.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in force and effect on and after July 1, 1949.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 813 CHAPTER 486

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGES CONTROL STORES IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Bertie County, allocation of net profits of ABC stores.

SECTION 1. There shall be allocated and paid to the general fund of each incorporated town in Bertie County in which there is operated an Alcoholic Beverages Control Store five per centum (5%) of the net profits made by or derived from the store located in that town, and this percentage of net profits shall be

computed after all the costs of operating the stores have been paid and after the State tax and enforcement funds have been allocated.

SEC. 2. The remaining net profits from the operation of said stores shall be paid to the Bertie County Board of Commissioners to be added to the general fund of the county.

Quarterly settlements by ABC Board with municipalities and county.

SEC. 3. The Bertie County Board of Alcoholic Control shall make quarterly settlements with the municipality and the county.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after the first day of July, 1949.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 818 CHAPTER 487

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF BERTIE COUNTY TO MAKE AN APPROPRIATION TO THE VETERANS OF FOREIGN WARS.

The General Assembly of North Carolina do enact:

Bertie County, appropriation to Veterans of Foreign Wars for payment on Veterans Memorial Club building.

SECTION 1. The Board of Commissioners of Bertie County is hereby authorized and empowered to make an appropriation of not to exceed two thousand five hundred dollars ($2,500.00) out of the general fund of said county as a gift to the Veterans of Foreign Wars to be used by them in payment upon their part of the Veterans Memorial Club building which is owned by the Veterans of Foreign Wars and the American Legion jointly, a similar gift having been made to the American Legion pursuant to Chapter 893 of the Session Laws of 1945.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. B. 820 CHAPTER 488

AN ACT AUTHORIZING THE TOWNS OF COLERAIN AND AULANDER TO SUPPLEMENT THE SALARIES OF THE DEPUTY SHERIFFS LIVING IN THE TOWNS.

The General Assembly of North Carolina do enact:

Bertie County, Towns of Colerain and Aulander authorized to supplement salaries of deputy sheriffs.

SECTION 1. The Towns of Colerain and Aulander in Bertie County are hereby authorized and empowered to appropriate and pay money derived from taxation or other purposes as supplements to the salaries of the Deputy Sheriffs of Bertie County who reside in said towns in amounts to be set by the boards of commissioners of the towns and to use for said supplement funds previously appropriated for salaries of the police officers; and the boards of commissioners of said towns are authorized and empowered to levy and collect ad valorem taxes upon the property situate within said towns for the purpose of paying the supplements to the salaries of the deputy sheriffs, either in lieu of or in addition to the salaries of other police officers of the towns.

Tax levy for payment of supplements authorized.

Official acts of towns hereunder validated.

SEC. 2. All acts of the Boards of Commissioners of the Towns of Colerain and Aulander in appropriating and paying supplements to the Deputy Sheriffs of Bertie County residing in said towns are hereby ratified and validated.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

S. B. 27 CHAPTER 489

AN ACT TO AMEND SECTION 113-91 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE CONFISCATION OF ARTICLES AND DEVICES USED IN THE ILLEGAL TAKING OF GAME.

The General Assembly of North Carolina do enact:

G. S. 113-91, amended as to powers of Commissioner of game and inland fisheries.

SECTION 1. Amend Subsection (d) of Section 113-91 of the General Statutes by striking out of lines 14, 15, 16, and 17 thereof the following:

"to seize and confiscate all instruments or devices illegally used in taking wild birds or animals, and to hold the same to be disposed of as provided in this Article;"

SEC. 2. Amend Subsection (e) of Section 113-91 of the General Statutes by striking out of the 13th, 14th, 15th, and 16th lines from the end of said Subsection the following:

", unless it be an instrument or device, the use of which is prohibited by this Article, or money derived from the sale thereof if it was perishable property,"

SEC. 3. Amend Section 113-91 of the General Statutes by adding a new and additional Subsection thereto, to be designated as Subsection "(f)", as follows:

G. S. 113-91, further amended.

(f) To seize certain devices in certain cases. In all cases of violation of any law relating to the unlawful taking of, or unlawful attempt to take any animals, birds, or fish, during the hours after sunset and before sunrise; or taking of or attempt to take, without a permit, deer or wild turkeys in closed season; or the unlawful taking of any doe deer; or the taking of or attempt to take any animals, birds or fish by means or use of dynamite or other explosive; or by the use of any silencer on any weapon; or by the unlawful use of any artificial light; or by means of any trap, net, snare, or other device, the use of which in taking or attempting to take animals, birds, or fish, is prohibited by law; or in case of transportation of game or game fish illegally so taken; or the unlawful taking or transportation of any doe deer; or in case of the unlawful sale of game or game fish, whether taken legally or illegally, all officers, whose duty it is to enforce the game and game fish laws, are hereby empowered to seize all devices, instruments, weapons, air and water craft, and vehicles used in the unlawful taking of or unlawful attempt to take animals, birds, or fish, at the times or by the means herein mentioned, or used in the transportation of any birds, animals, or fish so taken, or used in the unlawful taking or transportation of any doe deer, or used in the unlawful sale of game or game fish, whether taken legally or illegally. The devices, instruments, weapons, craft, and vehicles so seized shall be delivered to the sheriff of the county in which such offense is committed, or placed under said sheriff's constructive possession, if delivery of actual possession is impracticable; and the same shall be held by said sheriff pending the trial of the person or persons arrested for any of the offenses herein mentioned; and upon conviction of such person or persons of any of said offenses, the court may in its discretion, and subject to the rights of any third person in the property seized, adjudge the property so seized forfeited, and order the same sold in the manner provided by law for the sale of personal property under execution; the net proceeds of such sale shall be paid into the school fund of said county as other fines and forfeitures; the forfeiture and sale of such property when ordered shall be in addition to such fine or imprisonment as may be imposed by the court.

Power of Commissioner to seize devices, weapons, etc., in certain cases.

Disposition of seized devices, weapons, etc.

Seizure and sale intended as additional penalty.

G. S. 113-91, further amended.

SEC. 4. Further amend Section 113-91 of the General Statutes by adding a new and additional Subsection thereto, to be designated as Subsection "(g)", as follows:

Power of Commissioner to seize weapons and devices to be used in evidence.

(g) To seize weapons and devices to be used in evidence. At the time of making arrests for any violation of any law relating to the unlawful taking of or unlawful attempt to take animals, birds, or fish, the officer making the arrest is hereby empowered to seize any weapon or device unlawfully used in the violation for which the arrest is made; the weapons or devices so seized shall be delivered to the sheriff of the county in which the offense is committed, to be held and used in evidence for the State upon the trial of the person or persons arrested for such violation.

Disposition of seized weapon or device after trial.

After the trial, any weapon or device so seized shall be returned to the owner thereof unless the offense shall be one of the offenses mentioned in Subsection (f) hereof, in which case the same may be returned to the owner thereof in such manner as the court may direct, unless the same be adjudged forfeited and order sold by the court upon conviction of the owner thereof for one of the offenses mentioned in said Subsection (f) hereof.

G. S. 113-91, further amended.

SEC. 4½. G. S. 113-91 is hereby further amended by adding an additional Subsection thereto, to be designated as Subsection (h), to read as follows:

Replevy by owner pending trial.

"(h) Whenever any devices, instruments, weapons, air or water craft, or vehicles are seized and placed in the possession of the sheriff pursuant to Subsections (f) or (g) of this Section, any person who establishes ownership in any such property to the satisfaction of the court or the sheriff shall be entitled to possession of the same upon furnishing the sheriff a bond in the amount of the value of such property, as fixed by the sheriff, conditioned on such person's producing such property in court on the day of the trial for the offense with respect to which such property was seized."

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

S. B. 96 **CHAPTER 490**

AN ACT PROVIDING FOR THE CARE OF INFANTS PREMATURELY BORN IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 130 of the General Statutes by adding at the end of said Chapter a new Article to be designated as Article 29, and which Article shall read as follows:

G. S. Ch. 130, Public Health, amended.

"Art. 29. Infants Prematurely Born.

Art. 29, Infants Prematurely Born, enacted.

"SECTION 130-292. Notification of Premature Births to be Given. If an infant is born prematurely in a place other than a hospital equipped to care for prematurely born infants, and weighs five pounds and eight ounces (2500 grams) or less at birth, the physician or midwife having charge of the birth of such infant shall forthwith give notification thereof to the local health department for the county in which such infant was born. In case there is no local health department operating or functioning for the county in which such infant was born, then such notification shall be given to the county physician of the county in which such infant was born. The notification shall state the name of the mother of such infant and the street address, or other address, where the infant is at the time of such notification. Such notification shall be given as soon as practicable after birth occurs and by telephone if possible, and if not then, a written report shall be filed within twenty-four hours after such birth with the local health department or the county physician of the county in which such infant was born in case there is no functioning health department. In the case of such an infant prematurely born in a hospital equipped to care for prematurely born infants, the superintendent, or other person in charge of such hospital, shall forthwith file with the local health department or the county physician of the county if there is no local health department for the county, such notification of the birth of such infant within twenty-four hours. After notification of proper agency or county physician, such agency or county physician shall take such steps as are necessary to provide proper care for said infant in accordance with best medical practice and to utilize, when possible, such State agencies as are available, including the North Carolina State Board of Health's program for premature care."

Notification of premature births in places other than hospitals.

Contents of notification.

Notification of premature births in hospital.

Provision for care of premature infants.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

S. B. 136 CHAPTER 491

AN ACT TO REWRITE GENERAL STATUTES 14-320 RELATING TO SEPARATING A CHILD UNDER SIX MONTHS OLD FROM ITS MOTHER.

The General Assembly of North Carolina do enact:

G. S. 14-320, separation of child under six months old from mother, amended.

SECTION 1. Section 14-320 of the General Statutes is rewritten to read as follows:

"14-320. Separating child under six months old from mother. It shall be unlawful for any person to separate or aid in separating any child under six months old from its mother for the purpose of placing such child in a foster home or institution, or with the intent to remove it from the State for such purpose, without the written consent of either the county superintendent of public welfare of the county in which the mother resides, or of the county in which the child was born, or of a private child-placing agency duly licensed by the State Board of Public Welfare; but the written consent of any of the officials named in this Section shall not be necessary for a child when the mother places the child with relatives or in a boarding home or institution inspected and licensed by the State Board of Public Welfare. Such consent when required shall be filed in the records of the official or agency giving consent. Any person or agency violating the provisions of this Section shall, upon conviction, be fined not exceeding five hundred dollars ($500.00) or imprisoned for not more than one year, or both, in the discretion of the court."

Written consent of separation.

Instances in which written consent unnecessary.

Penalty for violations.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

S. B. 152 CHAPTER 492

AN ACT TO AMEND CHAPTER 126 OF THE GENERAL STATUTES, PLACING CERTAIN EMPLOYEES OF THE NORTH CAROLINA STATE HOSPITALS' BOARD OF CONTROL PAID IN WHOLE OR IN PART FROM FEDERAL FUNDS UNDER THE MERIT SYSTEM LAW.

The General Assembly of North Carolina do enact:

G. S. 126-1, amended.

SECTION 1. G. S. 126-1, as amended, is hereby further amended by inserting after the word "welfare," and before the word "and" in the last line of said Section, as set out in the 1947 Supplement to the General Statutes of North Carolina, the following:

"Employees of the North Carolina State Hospitals' Board of Control paid in whole or in part from Federal funds granted by the Surgeon General of the Public Health Service by virtue of the National Mental Health Act, or by any other Federal department or agency, and administered by the North Carolina State Hospitals' Board of Control as the State mental health authority in the mental health or mental hygiene program."

Certain employees of N. C. State Hospitals' Board of Control placed under merit system law.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

S. B. 187 **CHAPTER 493**

AN ACT TO AMEND CHAPTER FORTY-SEVEN, ARTICLE FOUR, SECTION FIFTY, PAGE THREE HUNDRED ONE OF THE GENERAL STATUTES OF NORTH CAROLINA, NINETEEN HUNDRED AND FORTY-THREE, RELATIVE TO PROBATE BY CLERK OF COURT WHERE ORDER OF PROBATE OMITTED.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 47-50 is hereby amended by striking out the word and figures "January 1, 1941," in line 2 and inserting in lieu thereof the word and figures "March 3, 1949,"

G. S. 47-50, amended to validate certain deeds where clerk's order of registration omitted.

SEC. 2. This Act does not apply to pending litigation.

Pending litigation unaffected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

S. B. 228 **CHAPTER 494**

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF CONCORD TO CALL AN ELECTION UPON THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT FOR THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

City of Concord, election on adoption of city manager form of government.

SECTION 1. After the ratification of this Act, the Board of Aldermen of the City of Concord may call an election at which there shall be submitted for determination by the qualified voters of the City of Concord voting in such election the question of the adoption of a form of government for the City of Concord known as "Plan D" as defined by part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, and as modified by this Act, which plan provides for a mayor, board of aldermen and a city manager. At such election the question submitted to the qualified voters shall be the adoption of said "Plan D" form of government, as modified by this Act, for the City of Concord, in lieu of its present form of government.

Issue submitted.

Conduct of election.

SEC. 2. The said election shall be called and conducted and the result thereof determined and declared by the Board of Aldermen of the City of Concord as is now provided by law for the election of the mayor and members of the board of aldermen, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Mayor and Board of Aldermen of the City of Concord. At such election ballots shall be provided for the voters containing the words "For City Manager Form of Government (Modified Plan D)" and "Against City Manager Form of Government (Modified Plan D)". If a majority of the votes cast in said election shall be in favor of said modified "Plan D" form of government the same shall become effective and be operative in the City of Concord upon resolution of the Board of Aldermen of the City of Concord.

Form of ballot.

Effective date of new form upon majority favorable vote.

Control and management of city affairs.

SEC. 3. If said modified "Plan D" is adopted the Government of the City of Concord and the general management and control of all its affairs shall be vested in a mayor and board of aldermen, elected as provided by the Charter of the City of Concord, and any amendments thereto. Thereafter the mayor and board of aldermen shall have and exercise all the powers and duties now or hereafter conferred upon them by the Charter of the City of Concord, and any amendments thereto, the General Ordinances of the City of Concord and the provisions of the general law with reference to the powers and privileges of municipalities not inconsistent therewith. The Mayor and Board of Aldermen of the City of Concord shall constitute its governing body and in the conduct of said modified "Plan D" government for the City of Concord, the mayor and board of aldermen

Powers and duties of mayor and board of aldermen.

shall have and exercise all such powers and duties, not inconsistent therewith, as are now conferred upon the mayor and board of aldermen by the Charter of the City of Concord and its general ordinances and any amendments thereto.

Appointment of city manager; qualification, term, etc.

SEC. 4. In the event said "Plan D" form of government, as modified by this Act, shall be adopted, the mayor and board of aldermen shall appoint a city manager. He shall be appointed with regard to merit only and he need not be a resident of the City of Concord when appointed. He shall hold office at the pleasure of the mayor and board of aldermen and shall receive such compensation as the board shall fix.

Control of operation of city government.

SEC. 5. In the event said "Plan D" form of government, as modified by this Act, shall be adopted, the Mayor and Board of Aldermen of the City of Concord shall have the power and authority, in their discretion, to designate, prescribe and control the manner and methods for the operation of the Government of the City of Concord including all departments of the city government now existent or hereafter constituted, and shall have the power and authority to place in control of any or all such departments a city manager, whose duties shall be prescribed by the mayor and board of aldermen.

Legislative authority of city and aldermen unabridged.

SEC. 6. In the event said "Plan D" form of government, as modified, is adopted, none of the legislative powers of the City of Concord or its board of aldermen shall be abridged or impaired by this Act or by the adoption of said modified "Plan D" government for the City of Concord and all such legislative powers shall continue to be possessed and exercised by the Mayor and Board of Aldermen of the City of Concord. In addition, all ordinances, resolutions, orders, or other lawful regulations of the City of Concord or any authorized commission, committee, body or official thereof, existing at the time said modified "Plan D" is adopted shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Continuation of existing ordinances, etc.

Governing body of city.

SEC. 7. That in the event said "Plan D", as modified by this Act, is adopted at such election, the board of aldermen shall continue to be the Governing Body of the City of Concord and the mayor and members of the board of aldermen shall be elected as now provided by the Charter of the City of Concord and any amendments thereto, and the meetings of the board and the business of the board shall be held and transacted in accordance with the Charter and General Ordinances of the City of Concord now in force or hereafter amended. Vacancies shall be filled as heretofore provided for by law.

Election of mayor and aldermen.

Meetings.

Vacancy appointments.

SEC. 8. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

S. B. 232 **CHAPTER 495**

AN ACT TO ENABLE THE BOARD OF ALDERMEN OF THE CITY OF CONCORD TO CREATE A NEW WARD.

The General Assembly of North Carolina do enact:

City of Concord, creation of new ward.

SECTION 1. That the Board of Aldermen of the City of Concord shall have the power and authority, in its discretion, to create by ordinance a new ward in the City of Concord with the following described boundaries:

Description of boundaries.

Beginning at a point in the old city limit line, said point being one-hundred and seventy-eight and two-tenths (178.2) feet northeast of the intersection of Todd Street and Hillandale Road, and runs with a line parallel with the center line of Hillandale Road (but one hundred and seventy-eight and two-tenths (178.2) feet NE) North forty-five degrees fifty-three minutes (45-53) West three thousand two hundred three and four-tenths (3203.4) feet to a point on the North side of the northern prong of Circle Drive, a street in the Wil-Mar Park Development; thence North thirty-one degrees forty-five minutes (31-45) West two thousand two hundred forty-three and two-tenths (2243.2) feet to a point northeast of Cabarrus County Hospital, said point being approximately on the hospital and Cabarrus Country Club line; thence South seventy-two degrees seventeen minutes (72-17) West crossing United Route twenty-nine (US 29) a distance of one thousand two hundred sixty-four and nine-tenths (1264.9) feet to a point, said point being one hundred feet (100) East of center line of Southern Railway; thence along the right of way of the Southern Railway South five degrees thirty-seven minutes (5-37) East four hundred forty-one and four-tenths (441.4) feet to a point on said right of way; thence along said right of way in a southerly direction four thousand fifty-one and four-tenths (4051.4) feet to a point in the right of way line, said point being on the present city limit line; thence North seventy-two and one-half degrees (72½) East seven hundred fifty-seven and five-tenths (757.5) feet to an iron pipe, said pipe being two hundred forty (240) feet North of Phifer Street on the West edge of Gibson Street; thence with the West edge of Gibson Street to a point in Jones Street; thence with Jones Street North seventy-four (74) degrees East three hundred and five-tenths feet to a stake in Jones Street where it intersects with Allison Street; thence with Allison Street North sixteen and one-half (16½) degrees West one hundred and ninety-six (196) feet to a point in Allison Street; thence North fifty-eight and one-half degrees (58½) East two thousand five hundred and thirty-six (2536) feet to an iron pipe in the East edge of North Church Street; thence a straight line along Todd Street to the point of the beginning.

SEC. 2. That the Board of Aldermen of the City of Concord shall have the power and authority, after setting up said ward, to call an election in the said ward for the election of an alderman to represent the ward. All laws now existing or hereafter enacted relating to elections in the City of Concord shall apply to such election, and the person so elected shall qualify within four days from his certification as such alderman and shall serve until the next regular election for Mayor and Aldermen in the City of Concord, or until his successor is named and qualified. Thereafter the representative from the ward shall be elected at the same time and in the same manner as representatives of the other wards in the City of Concord.

Election of alderman from new ward.

Conduct of election.

Qualification and term of alderman.

Subsequent elections.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

S. B. 262 CHAPTER 496

AN ACT TO AMEND SECTION 60-144 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE POWERS AND DUTIES OF ELECTRIC INTERURBAN RAILWAY COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 60-144 of the General Statutes of North Carolina be, and the same hereby is, amended by striking out the words "except that no such company when organized under the laws of another state shall operate any part of its line of railway in this State by means of steam motive power, or as a part of a general steam railroad system of transportation", appearing in the last six lines of said Section; and substituting in place thereof the following words: "*provided* that no such company shall operate over the streets of any municipality by means of steam motive power, except with the consent of the municipal authorities".

G. S. 60-144, amended as to operation of electric interurban railway companies over municipal streets.

Consent of municipal authorities.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

H. B. 212 **CHAPTER 497**

AN ACT TO AMEND SECTIONS 153-78 AND 153-92 (BEING PORTIONS OF THE COUNTY FINANCE ACT), SECTIONS 160-379 AND 160-387 (BEING PORTIONS OF THE MUNICIPAL FINANCE ACT, 1921), SECTIONS 131-126.22 AND 131-126.23 OF THE GENERAL STATUTES, SUPP. 1947, AS ENACTED BY CHAPTER 933 OF THE SESSION LAWS OF 1947 (BEING PORTIONS OF THE MUNICIPAL HOSPITAL FACILITIES ACT), TO HARMONIZE SAID SECTIONS WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. 153-78, County Finance Act, amended.

SECTION 1. That clause 2 of Subsection (e) of Section 153-78 of the General Statutes shall be and the same is hereby amended to read as follows:

"Order" of governing body for bond issue; approval by voters.

"2. If the issuance of the bonds is required by the Constitution to be approved by the voters, or if the governing body, although not required to obtain the approval of the voters before issuing the bonds, deems it advisable to obtain such approval, that the order shall take effect when approved by the voters of the county at an election as provided in this Article; or".

G. S. 153-92, amended.

SEC. 2. That Section 153-92 of the General Statutes shall be and the same is hereby amended to read as follows:

Determination of elections by majority of those voting.

"Section 153-92. What majority required. If a bond order provides that it shall take effect when approved by the voters of the county, the affirmative vote of a majority of those who shall vote on the bond order shall be required to make it operative."

G. S. 160-379, Municipal Finance Act, amended.

SEC. 3. That Subdivision (2) of clause e of Subsection 2 of Section 160-379 of the General Statutes shall be and the same is hereby amended to read as follows:

Ordinance for bond issue; approval by voters.

"(2) If the issuance of the bonds is required by the Constitution to be approved by the voters, or if the governing body, although not required to obtain the approval of the voters before issuing the bonds, deems it advisable to obtain such approval, that the ordinance shall take effect when approved by the voters of the municipality at an election as provided in this Subchapter; or".

SEC. 4. That Subsection 1 of Section 160-387 of the General Statutes shall be and the same is hereby amended to read as follows:

Determination of election by majority of those voting.

"1. What majority required. If a bond ordinance provides that it shall take effect when approved by the voters of the municipality, the affirmative vote of a majority of those who shall vote on the bond ordinance shall be required to make it operative."

G. S. 131-126.22, Municipal Hospital Facilities Act, amended.

SEC. 5. That Subsection (b) of Section 131-126.22 of the General Statutes, Supp. 1947, as enacted by Chapter 933 of the Session Laws of 1947, shall be and the same is hereby amended by striking out the words "*provided* that the levy of such taxes is approved by a majority of the qualified voters of such municipality in an election held for this purpose", at the end of the first sentence, and inserting in lieu thereof the words "*provided* that the levy of such taxes shall be approved by the vote of a majority of the qualified voters of such municipality who shall vote on the question of levying such taxes in an election held for such purpose."

Elections on tax levies determined by majority of those voting.

G. S. 131-126.23, amended.

SEC. 6. That Subsection (c) of Section 131-126.23 of the General Statutes, Supp. 1947, as enacted by said Chapter 933 of the Session Laws of 1947, shall be and the same is hereby amended by striking out the words "*provided*, that the levy of such taxes is approved by a majority of the qualified voters of such municipality in an election held for such purpose", at the end of the first sentence, and inserting in lieu thereof the words "*provided* that the levy of such taxes shall be approved by the vote of a majority of the qualified voters of such municipality who shall vote on the question of levying such taxes in an election held for such purpose."

Tax levies for operation and maintenance; approval by majority of those voting.

Act made retroactive to elections held since Nov. 24, 1948.

SEC. 7. That in all cases where an election on the approval of a bond order of a county or a bond ordinance of a municipality was held subsequent to November 24, 1948, and prior to the ratification of this Act, and such bond order or bond ordinance was approved by the affirmative vote of a majority of those voting thereon, such bond order or bond ordinance shall be operative and shall be deemed to be in full force and effect notwithstanding the provisions of any general, public-local, private or special law in force at the time of such election requiring that such bond order or such bond ordinance be approved by the vote of a majority of the qualified voters of such county or municipality."

General application of provision of Act.

SEC. 8. That all provisions of public, public-local, private and special acts relating to counties, municipalities, school districts, or other political subdivisions in the State which require that a proposition for the issuance of bonds or levy of taxes of any such county, municipality, school district or other political subdivisions, or that any other proposition be approved by the vote of a majority of the registered voters of such county, municipality, school district or other political subdivision, are hereby amended so as to require that the same be approved by a majority of the qualified voters who shall vote on any such proposition. The provisions of this Section shall be applicable to every such election held subsequent to the ratification of this Act notwithstanding the fact that any procedures or acts or actions required or permitted by statute were taken or had with respect to any such election prior to the ratification of this Act."

Effective date.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

H. B. 321 **CHAPTER 498**

AN ACT TO LIMIT THE OPERATION OF LOUD SPEAKERS, AMPLIFYING SYSTEMS AND PUBLIC ADDRESS SYSTEMS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Regulation of operation of loud speakers, amplifying and public address systems.

SECTION 1. It shall be unlawful for any person, firm or corporation to operate any loud speaker, amplifying system or public address system for the purpose of making voice, music or other sound audible outside the structure or vehicle wherein the sound originates between the hours of 8:00 P. M. and 8:00 A. M.

Exceptions.

SEC. 2. This Act shall not apply to any person, firm or corporation operating such sound devices wholly within any structure or vehicle for the better hearing of guests or patrons therein; to the use of such sound devices when the purpose of such use is for the better hearing of guests or patrons for whom the accomodations of such structure are not sufficient; to the use of such sound devices for the purpose of celebration of holidays; to drive-in theaters; night athletic contests or to the use of such devices when the purpose of such use is to prevent loss of life or injury to persons or property.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

H. B. 411 **CHAPTER 499**

AN ACT TO AMEND CERTAIN SECTIONS OF THE GENERAL STATUTES RELATIVE TO THE REPORTING OF DISEASES.

Preamble: Cancer control program of State Board of Health.

WHEREAS, the State Board of Health of North Carolina is conducting a cancer control program, and it is necessary for the efficient operation of this program that adequate information be collected about the occurrence of cancer in North Carolina; and

Necessity of report of cases by private physicians.

WHEREAS, for such information to be available to the State Board of Health it is necessary that private physicians report all cases of cancer coming to their attention; and

Care and treatment of reported cases.

WHEREAS, patients reported by their physicians can be assisted in receiving proper care and treatment; and

Urgent that cancer be made a reportable disease.

WHEREAS, the Medical Society of the State of North Carolina, the cancer committee of the Medical Society of the State of North Carolina, and the executive committee of the American Cancer Society, North Carolina Division, Inc., have gone on record as to the urgency of making cancer a reportable disease: *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S. Ch. 130, Public Health, amended.

SECTION 1. Amend Chapter 130 of the General Statutes by adding thereto a new Section, to be numbered Section 130-289.1, as follows:

G. S. 130-289.1, Reporting of cancer required, enacted.

"SEC. 130-289.1. Reporting of Cancer Required. It shall be the duty of every physician to notify the local health officer of the name, address and such other items as may be specified by the State Health Officer of any person by whom such physician is consulted professionally and who is found to have cancer of any type, or who is suspected of having cancer of any type. The report shall be made within five days after the diagnosis of cancer is established, or within five days after obtaining reasonable evidence for believing that such person is so afflicted. The forms used for reporting shall be prepared and supplied by the State Board of Health. The local health officer shall forward to the State Board of Health all report cards within five days of their receipt from the physician."

Time of report.

Form of report.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

H. B. 434 **CHAPTER 500**

AN ACT DIRECTING THE DISPOSITION OF THAT PORTION OF MONEY WHICH REMAINS OF A FUND HERETOFORE TURNED OVER BY THE UNITED STATES GOVERNMENT TO THE STATE OF NORTH CAROLINA FOR PAYMENT TO VETERANS OF THE SPANISH-AMERICAN WAR FROM TIME OF THEIR CALL TO DUTY IN 1898 UNTIL THEIR MUSTER INTO SERVICE OF THE UNITED STATES—BY PAYMENT OF INTEREST TO THE DEPARTMENT OF NORTH CAROLINA UNITED SPANISH WAR VETERANS.

Preamble: Unclaimed balance of "Spanish American War Relief Fund."

WHEREAS, a fund known as the "Interim Pay Fund," and as the "Spanish American War Relief Fund," appropriated by the United States Government, for pay of veterans for time served between date of their call for duty and their muster into service of the United States, during the Spanish-American War in 1898, there remains in possession of the State of North Carolina, and unclaimed by veterans of said war, a balance amounting to seventeen thousand two hundred fifty-six dollars and forty-three cents ($17,256.43) as of January 1, 1949, and of which sum approximately thirteen thousand dollars ($13,000.00) is accrued interest on the undisbursed funds intended for the benefit of the Spanish-American War veterans of North Carolina, and

Small number of claims against fund.

WHEREAS, for many years there has been few claimants for any part of this fund, with the probability that the number of claims against same will become less and less, and more remote: *Now, therefore,*

The General Assembly of North Carolina do enact:

Trustee of Interim Pay Fund.

SECTION 1. The Treasurer of the State of North Carolina shall be the trustee of said Interim Pay Fund and, within ten days after the ratification of this Act, shall pay over out of said fund, the sum of one thousand dollars ($1,000.00) to the Quartermaster of the Department of North Carolina United Spanish War Veterans and on the same date annually thereafter said trustee shall pay over a like sum of one thousand dollars ($1,000.00) to said quartermaster until a total of thirteen thousand dollars ($13,000.00) shall have been paid from said fund, and the said quartermaster shall expend said sums only on the written approval of the Commander of the Department of North Carolina United Spanish War Veterans and solely for welfare work among those needy comrades, their widows and children and current use of said organization.

Annual payments to Quartermaster, United Spanish War Veterans of North Carolina.

Expenditure of funds.

Surety bond of quartermaster.

SEC. 2. Said department quartermaster, as the financial agent and disbursing officer of the United Spanish War Veterans of North Carolina, shall furnish a surety bond in the amount of fifteen hundred dollars ($1500.00) in a surety company au-

thorized to do business in the State of North Carolina, conditioned upon the faithful performance of his duties as specified herein, and such bond to be approved by the said department commander.

SEC. 3. Said trustee of the above fund shall have authority to invest same, or any part thereof, in securities as are legal for trust funds in this State. Investment of fund by trustee.

SEC. 4. Chapter 554 of the Public Laws of 1933 is hereby repealed. Ch. 554, Public Laws, 1933, repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

H. B. 485 CHAPTER 501

AN ACT TO AMEND CHAPTER 124 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1901, RELATING TO THE CHARTER OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

SECTION 1. Section 5 of Chapter 124 of the Private Laws of North Carolina, Session 1901, as amended by Chapter 70 of the Private Laws of North Carolina, Session 1935, be stricken out and the following inserted in lieu thereof: Ch. 124, Private Laws, 1901, amended as to terms of officials of Town of Laurinburg.

SECTION 5. The terms of said officers shall begin on the third Monday of May next succeeding said election, and continue for a term of two years and until their successors are elected and qualified. In case of a vacancy after election in the office of commissioner, the other commissioners may fill said vacancy until the next election. In case of a vacancy after the election in the office of mayor or treasurer, the commissioners may fill such vacancy until the next election. Vacancy appointments.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

H. B. 585 CHAPTER 502

AN ACT TO RE-ENACT THE PROVISIONS OF CHAPTER 679 OF THE SESSION LAWS OF 1945 RELATING TO THE ESTABLISHMENT OF A VETERANS SERVICE OFFICER FOR HENDERSON COUNTY AND TO LEVY A SPECIAL TAX THEREFOR.

The General Assembly of North Carolina do enact:

Ch. 679, Session Laws, 1945, appointment of Veterans Service Officer, Henderson County, reenacted.

SECTION 1. That the provisions of Chapter 679 of the Session Laws of 1945 are hereby re-enacted and shall remain in force until such times as the Board of Commissioners of Henderson County in their discretion may decide to discontinue the office of Veterans Service Officer.

Salary of Veterans Service Officer.

SEC. 2. The Veterans Service Office so selected may be paid, by the board of commissioners, the sum of three thousand dollars ($3,000.00) per year, payable in twelve monthly installments as a salary for carrying out the duties of his office, and the board of commissioners is authorized and empowered to levy a special tax for the expenses herein incurred, not exceeding three cents ($.03) on each one hundred dollar valuation of property in the county, and such levy is hereby declared necessary and for a special and necessary public purpose, and shall be in addition to any other tax levy, general or special, which the board of commissioners is authorized to make.

Tax levy for payment of salary authorized.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1949.

S. B. 42 CHAPTER 503

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH AND OPERATE A STANDARD DENTAL SCHOOL IN CONJUNCTION WITH THE MEDICAL SCHOOL.

The General Assembly of North Carolina do enact:

University of North Carolina, school of dentistry authorized.

SECTION 1. In order to carry forward the medical care program for all the people of North Carolina, the Board of Trustees of the University of North Carolina is hereby authorized, empowered and directed to establish and maintain, in conjunction with the Medical School of the University of North Carolina, a school for the teaching of dentistry.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

S. B. 92 CHAPTER 504

AN ACT TO AMEND ARTICLE 22 OF CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE VENUE OF PROSECUTIONS FOR VIOLATIONS OF THE CORRUPT PRACTICES ACT AND PROVIDING FOR REMOVAL FROM OFFICE OF ANY OFFICIAL CONVICTED THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That there be added to Article 22 of Chapter 163 of the General Statutes of North Carolina a new Section, as follows: G. S. Ch. 163, Elections and Election Laws, amended.

"163-207 Convicted officials; removal from office. Any public official who shall be convicted of any violation of any of the provisions of Article 21 or Article 22 of this Chapter, in addition to the punishment provided by law for such violation, may be removed from office by the judge presiding at the trial and shall be ineligible to hold any other public office until his citizenship is restored as provided by law in case of conviction of a felony, and for a period of two years in case of conviction of a misdemeanor." G. S. 163-207, enacted. Removal from office of officials convicted of violation of Corrupt Practices Act, 1931, etc. Eligibility for public office following removal.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

S. B. 147 **CHAPTER 505**

AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO INSTITUTE INJUNCTION PROCEEDINGS IN CASES OF VIOLATIONS OF SANITARY RULES AND REGULATIONS.

The General Assembly of North Carolina do enact:

G. S. Ch. 88, Cosmetic Act, amended.

G. S. 88-28.1, enacted.

SECTION 1. Chapter 88 of the General Statutes is amended by adding a new Section immediately following G. S. 88-28, and immediately preceding G. S. 88-29, to be numbered G. S. 88-28.1, and to read as follows:

Application for restraining order against persons engaging in illegal practices.

"G. S. 88-28.1. The State Board of Health and/or any county, city, or district health officer and/or the State Board of Cosmetic Art Examiners, if it shall be found that any licensed cosmetologist or other person, who is subject to the provisions of this Chapter, is violating any of the rules and regulations adopted by the State Board of Cosmetic Art Examiners, as approved by the State Board of Health, or any provisions of Chapter 88, Section 28, of the General Statutes of North Carolina, may, after notice to such person of such violation, apply to the Superior Court for a temporary or permanent restraining order to restrain such person from continuing such illegal practices. If, upon such application, it shall appear to the court that such person has violated and/or is violating any of the said rules and regulations or any provisions of Chapter 88, Section 28, of the General Statutes of North Carolina, the court may issue an order restraining any further violations thereof. All such actions for injunctive relief shall be governed by the provisions of Article 37 of Chapter 1 of the General Statutes: *Provided,* such injunctive relief may be granted regardless of whether criminal prosecution has been or may be instituted under any of the provisions of this Chapter."

Issuance of restraining order.

Actions governed by Art. 37, Ch. 1.

G. S. 88-28, amended.

SEC. 2. Amend Section 88-28 General Statutes by striking out Subsection (g) and by inserting the following in lieu thereof:

Violation of regulation of Board made misdemeanor.

"(g) The willful violation of the reasonable rules and regulations adopted by the State Board of Cosmetic Art Examiners and approved by the State Board of Health."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

S. B. 188 **CHAPTER 506**

AN ACT TO AMEND CHAPTER 295 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE LEVY OF SPECIAL TAXES IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 295, Public-Local Laws, 1941, amended to increase rate of tax levy for special purposes, Lee County.

SECTION 1. That Chapter 295 of the Public-Local and Private Laws of North Carolina for the Session 1941 be and same is hereby amended by striking out the word "ten" in line 4 of Section 1 and inserting in lieu thereof the word "fifteen".

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

S. B. 189 **CHAPTER 507**

AN ACT TO MAKE AVAILABLE OUT-OF-STATE FACILITIES FOR CERTAIN STUDENTS OF THE STATE SCHOOL FOR THE BLIND AND THE DEAF IN RALEIGH.

The General Assembly of North Carolina do enact:

G. S. 116-109, admission to State School for Blind and Deaf, amended.

SECTION 1. G. S. 116-109, as amended, is hereby further amended by adding at the end of said Section another proviso reading as follows:

Expenditure of funds for students not in attendance at State School.

"*Provided, further,* that the board of directors is authorized to make expenditures out of any scholarship funds or other funds already available or appropriated, sums of money for the use of out of State facilities for any student who, because of peculiar conditions of race or disability, cannot be properly educated at the school in Raleigh."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

H. B. 615 **CHAPTER 508**

AN ACT TO AMEND THE CHARTER OF THE CITY OF ELIZABETH CITY IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 193, Session Laws, 1945, amended.

SECTION 1. That Section 3 of Chapter 193 of the Session Laws of 1945, being an Act to amend the Charter of the City of Elizabeth City, the same is hereby rewritten to read as follows:

Elizabeth City, election of mayor and aldermen; terms.

"That an election shall be held for the City of Elizabeth City on Tuesday after the second Monday in May, 1949, for the election of two aldermen in each of the four wards, and a mayor, who are to be elected at large from the city. The person receiving the largest number of votes for the office of mayor shall be declared the mayor, and he shall serve for a two-year term. The alderman receiving the highest number of votes for his respective ward for that office shall serve for a four-year term. The alderman receiving the next highest vote for his respective ward shall serve for a two-year term. In any municipal election after the election in May, 1949, and biannually thereafter, one alderman in and for each of the four wards shall be elected to serve for a four-year term.

Ch. 15, Private Laws, 1923, amended.

SEC. 2. That the following Sections of Article 1, Chapter 15, of the Private Laws of 1923, being an Act to revise and consolidate the Charter of the City of Elizabeth City, are hereby rewritten to read as follows:

Municipal elections, procedure in event of tie in vote for mayor.

SEC. 4. The following words shall be added: "That in the event in any municipal election hereafter to be held any two or more persons who shall receive the same number of votes the board of aldermen shall choose and elect one of them to the office to be filled, or to the longer term. This is to be done after the newly elected board are inducted into office on the first Monday in June. *Provided, further,* that this means of election shall apply if there should be a tie in the vote for mayor."

Salary of mayor.

SEC. 64. The word "three" is hereby stricken out in line 2, and inserted in lieu thereof is the word "twelve".

Performance of interim duties of city manager, by mayor without compensation.

SEC. 65. The words "The salary of the City Manager" in lines 5 and 6 are hereby stricken out, and the words "No additional salary on the account thereof. *Provided, further,* that the mayor may not serve as city manager to exceed a total of sixty days in any one fiscal year." shall be inserted in lieu thereof.

Competitive sealed bids; when required.

SEC. 68. The word "five" in line 15 shall be stricken out, and the words "one thousand" shall be inserted in lieu thereof.

Terms of members of public utility commission.

SEC. 124. This Section shall be rewritten to read as follows: "That the term of all members of the public utility commission

shall expire on the first Monday in September, 1949. Any member whose term expires prior to September 1, 1949, shall continue in office until September 1, 1949. At the regular meeting of the board of aldermen on the first Monday in August, 1949, the said board shall appoint five commissioners who shall take office on the first Monday in September, 1949, all of which shall be elected from the retiring members of said commission. Of the five members elected, three shall serve for a term of two years, two for a term of three years from said date or until their successors are elected and qualified. That upon the expiration of the term of office above provided for, the successors duly elected shall serve for a like term, namely two and three years. The members of the said commission shall be paid for their services not to exceed $120.00 per year. The chairman of the board of aldermen shall serve as ex-officio member of said commission. The said board shall immediately, after having qualified shall enter upon the duties of their office as herein prescribed; that they shall elect one of their members as chairman who shall hold office as such for a term of two years or until his successor be elected and qualified, *provided,* that in case of vacancy occurring in said commission by reason of death, resignation, or otherwise, the board of aldermen shall fill said vacancy for the unexpired term not later than thirty days after such vacancy occurs. The members of said public utilities commission shall each have been bona fide residents of Elizabeth City for at least three years prior to their election, shall be men of known qualified business ability and experience and freeholders in said city, *provided* if any members shall remove from the city and shall no longer be a resident of said city then shall immediately be a vacancy in his office and said vacancy shall be filled as herein provided. The commission shall pay its chairman a salary not to exceed $50.00 per month."

Appointment and terms of subsequent members of commission.

Compensation.

Ex-officio member of commission.

Election of chairman.

Vacancy appointments.

Qualification of members.

Compensation of chairman.

SEC. 136. The entire first ten lines shall be stricken out, and the following shall be inserted in lieu thereof: "Fifty per cent of any cash surplus or net revenue remaining at the end of any fiscal year derived from the operation of any of the aforesaid systems of said public utilities after paying interest and principal on any bonds issued for such enterprise and paying all expenses of operating, managing, maintaining, repairing, enlarging and extending such enterprise or any of these, shall be applied to the payment of the principal or interest payable in the next succeeding year or any".

Application of net revenue of utilities systems.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

H. B. 633 **CHAPTER 509**

AN ACT CHANGING THE TERM OF OFFICE OF THE MAYOR OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

City of Hickory, election and term of mayor.

SECTION 1. At the next regular primary and municipal election of the City of Hickory, subsequent to the ratification of this Act, and biennially thereafter, the mayor shall be nominated and elected at large for a term of two (2) years and until his successor shall have been elected and qualified, instead of for a term of one (1) year, as heretofore. In all respects, with the exception of the length of the term of office, the nomination and election of the mayor shall be conducted as heretofore.

Conflicting laws repealed.

SEC. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

H. B. 691 **CHAPTER 510**

AN ACT TO AMEND SECTION 8 OF ARTICLE 3 OF CHAPTER 107 OF THE PRIVATE LAWS OF 1931, AS AMENDED BY SECTION 1 OF CHAPTER 144 OF THE PUBLIC-LOCAL LAWS OF 1937, RELATING TO THE CHARTER OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Ch. 107, Private Laws, 1931, amended as to salary reductions of employees of City of High Point.

SECTION 1. Section 8 of Article 3 of Chapter 107 of the Private Laws of 1931, as amended by Section 1 of Chapter 144 of the Public-Local Laws of 1937, is hereby further amended by striking out the words between the semicolon in line 29 of said Section and the period at the end of said Section, and inserting in lieu thereof the following:

"nor shall the said governing body reduce the wages or salaries paid department directors, division heads or any employees of the departments and division established by this Act more than fifteen per cent (15%) of the amount of wages or salaries which such employees may be receiving at the time of such reduction: *Provided,* that only one such reduction may be made in the amount of wages or salaries of such employees."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

H. B. 706 CHAPTER 511

AN ACT TO AMEND CHAPTER 68, PRIVATE LAWS OF 1913, BEING THE CHARTER OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 68 of the Private Laws of 1913, and amendments thereto, be amended as follows:

Ch. 68, Private Laws, 1913, amended.

(a) That Section 14 of Article XIII be amended by striking out the same and inserting in lieu thereof the following: "Section 14. The lien for taxes for any and all purposes for each year shall attach and shall be deemed to have attached to all real estate of the taxpayers within the city on the first day of January annually, and, not withstanding the limitations of any general or specific acts to the contrary, shall continue until such taxes, with any penalty and costs which shall accrue thereon, shall be paid. But there shall be no lien on the personal property of the taxpayer until there has been a levy thereon."

City of Hickory, lien of taxes on real property.

(b) That Section 15 of Article XIII be amended by striking out the same, including Subdivisions A to U, both inclusive, and inserting in lieu thereof the following: "Section 15. That in addition to the subjects listed for taxation, the city council, for the purpose of raising revenue, is authorized and empowered to levy an annual tax on trades, professions, privileges, and licenses, not inconsistent with the Constitution and General Statutes of North Carolina, the amount of which taxes shall be collected by the city manager, and if not paid when due the same may be recovered by suit brought in the name of the city, or the articles upon which the tax is imposed, or any other property of the licensee may be forthwith distrained and sold to satisfy said tax."

Authority of city council to levy license and privilege taxes.

Collection of taxes.

(c) That Section 18 of Article XIII be amended by striking out the same and inserting in lieu thereof the following: "Section 18. In addition to the foregoing taxes, the city council is authorized and empowered, for the purpose of raising revenue, to tax all other subjects of taxation, not inconsistent with the Constitution and General Statutes of North Carolina."

Authority of city council to levy tax on other subjects of taxation.

(d) That Section 23 of Article XIII be amended by striking out the same and inserting in lieu thereof the following: "Section 23. Any person, firm, or corporation carrying on or prac-

Failure to obtain license made misdemeanor.

ticing any business, trade, or employment or profession of any kind upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of a misdemeanor; and each and every day during which any such violation of this Article occurs shall be and constitute a distinct and separate offense."

(e) That Section 25 of Article XIII be deleted.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

H. B. 656 CHAPTER 512

AN ACT TO INCORPORATE THE TOWN OF SURF CITY ON AND NEAR TOPSAIL ISLAND IN THE COUNTY OF PENDER, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation of Town of Surf City, Pender County.

SECTION 1. That the Town of Surf City in the County of Pender is hereby incorporated under the name and title of Surf City, and D. N. Lucas, Gerald C. Mercer, and A. H. Ward, and

Commissioners.

their successors in office, are hereby declared to be the governing body of the municipal corporation created by this Act, with succession during the corporate existence of Surf City, and shall be styled the Commissioners of the Town of Surf City.

Corporate powers.

SEC. 2. The Town of Surf City shall have all the rights, privileges, powers, immunities and liabilities which are conferred upon and are incident to incorporated cities and towns by virtue of the laws of the State of North Carolina, and all such as are created, limited, modified, or extended by this Act; but whenever this Act shall be in conflict with, or repugnant to, the general laws of the State applicable to cities and towns, then this Act shall govern and control in so far as the rights, privileges, powers, immunities and liabilities of the Town of Surf City are concerned.

Corporate limits.

SEC. 3. That the corporate limits of said town shall be as follows:

Beginning at an iron pipe in Cockle Creek Landing, (on Topsail Island in Pender County) the old John Batts corner, now the D. N. Lucas line; running thence across the banks South 32 degrees East to a stake in the edge of the Atlantic Ocean; running thence in a northeastwardly direction with the Atlantic

Ocean to a stake which stake is located 580 feet northeastwardly with the edge of the Atlantic Ocean from where the center of Wilmington Street reaches the ocean; running thence North 32 degrees West to the Inland Waterway; thence with the eastern edge of the Inland Waterway in a southwardly direction to a point where a line beginning in the center of Greensboro Avenue at the Atlantic Ocean; and running North 31 degrees West would reach the eastern edge of said Inland Waterway; thence across the Inland Waterway North 31 degrees West 2000 feet; thence South 60 degrees and 30 minutes West to the center line of a highway running from Camp Davis to the draw bridge leading to Topsail Island; running thence South 60 degrees and 30 minutes West 500 feet to a stake; thence South 32 degrees East to a stake in the southeastern edge of the Inland Waterway; running thence South 60 degrees and 30 minutes West to a point where a line running from a stake at Cockle Creek, the point of beginning, and running North 32 degrees West would intersect the line last referred to (South 60 degrees and 30 minutes West) thence South 32 degrees East to the point of beginning.

Officers of corporation.

SEC. 4. The officers of said corporation shall consist of a commissioner of finance, a commissioner of public works, and a commissioner of public safety, the commissioner of public safety shall also serve as mayor, and such other officers as the commissioners may elect; and D. N. Lucas, Gerald C. Mercer, and A. H. Ward are named commissioners of this Act as follows: Commissioner of public safety, D. N. Lucas; commissioner of finance, Gerald C. Mercer; commissioner of public works, A. H. Ward, with authority to organize the town government and conduct the same under the provisions of this Act, and the laws of the State of North Carolina governing municipal corporations, until their successors are duly elected and qualified. All owners of lots within the town limits and all bona fide residents of said town shall have the right to vote in any election held under this Act, and shall be denominated a qualified voter, and shall have the right to vote in any election as in this Act and by the laws of the State of North Carolina provide.

Organization and conduct of town government.

Qualified voters of town.

Mayor; powers and duties.

SEC. 5. Mayor. The mayor shall be the chief executive officer of the town, and subject to the supervision of the board of commissioners, shall perform all duties pertaining to such office. He shall do and perform all duties provided or prescribed by law or by the ordinances of the town, not expressly delegated to any other person. He shall have general supervision and oversight over the departments, and offices of the town government and shall be the chief representative of the town and shall report to the board any failure on the part of any of the officers of his or any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the town, unless otherwise provided by law or ordinance or resolution of the board of

commissioners; he shall have charge of, and cause to be prepared and published, all statements and reports required by law or ordinance or by resolution of the board of commissioners.

Commissioner of Finance; powers and duties.

SEC. 6. Commissioner of Finance. The commissioner of finance shall be the purchasing agent of the board of commissioners of the town and all property, supplies, and materials of every kind whasoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased by him the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said commissioner and countersigned by some other person designated by the board of commissioners; he shall be collector of all taxes; he shall collect all water rents; he shall issue licenses or permits as provided by law, ordinance or resolution adopted by the board of commissioners, or in the absence or inability of any commissioner to act he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board of commissioners to substitute someone else temporarily to perform any of such duties; he shall have control of all employees not by law, ordinance or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the town, and accounts of all officers, agents, and departments required by law or by the board of commissioners to be kept or made; he shall regularly at least once in three (3) months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, if he deems it necessary, annually, the accounts of every officer or employee who does or may receive or disburse money, and he shall publish or cause to be published annually statements showing the financial condition of the town, he shall examine or cause to be examined all accounts, pay rolls, and claims before they are acted on or allowed unless otherwise provided by law or by order of the board of commissioners; he shall collect all license fees, franchise taxes, rentals, and other moneys which may be due or become due to the town; he shall report the failure on the part of any person, firm or corporation to pay money due the town, he shall report to the board of commissioners any failure on the part of any persons, firm or corporation to make such reports as are required by law, ordinance or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper. The assessor, auditor, town clerk, town attorney, and other respective officers or departments, and all employees therein, and all bookkeepers and accountants, are apportioned

and assigned to the department of finance and shall be under the direction and supervision of the commissioner thereof. He shall do and perform any and all other services ordered by the board not herein expressly conferred upon some other department.

Commissioner of Public Works; powers and duties.

SEC. 7. Commissioner of Public Works. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department; the construction, cleansing, and repair of the streets and public places, the erection of buildings for the town, making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the town engineer of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvement made, when completed according to contract, and perform such other duties with reference to such other matters as may be required by law, ordinance or order of the board of commissioners; he shall have control, management, and direction of all public ground, bridges, viaducts, subways and buildings not otherwise assigned herein to some other department, he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, and the control of the placing of billboards and street waste paper receptacles, he shall have supervision over the public-service utilities not otherwise assigned to some other department and all persons, firms, or corporations rendering service in the town or State, not otherwise assigned to some other department; he shall have control of the location of electric power lines, gas mains, telephone and telegraph wires, and all other things placed by public-service corporations in, along, under or over the streets, and shall report to the board of commissioners or city officers as may be appointed by them to receive his reports any failure of such person or corporation to render proper service under a franchise granted by the city or State, and shall report any failure on the part of such firm or corporation to observe the requirements or conditions of such franchise, contract or grant. He shall act for the town, subject to the control of the board of commissioners, in securing all rights of way and easements connected with and necessary to the supply of water for the town; he shall have supervision and control of all buildings, grounds, and apparatus connected therewith and incident to the furnishing of water for the town; he shall superintend the erection of water tanks and laying of the water lines and the operation thereof. He shall have control and supervision over the sewer system; he shall have charge and control over the sewer inspectors and all other officers and employees of the department of sewers. The department of the town engineer and all employees therein, the department of streets, parks, buildings, and all employees in said department, shall be under

the control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition, the streets, and public parks in the town or belonging to the town, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board, not herein expressly conferred upon some other department.

Commissioner of Public Safety; powers and duties.

SEC. 8. Commissioner of Public Safety. The commissioner of public safety (who is also mayor) shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and employees in the police department, and his direction shall be binding upon all such officers and employees; subject to the control of the board of commissioners only; he shall have charge of the police stations, jails, and property and appartus connected therewith; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market-house and the employees connected therewith; and all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic in the public streets, alleys, and public ways, on and across the Inland Waterway and through and over public parks and other places; he shall, to the extent that the same is now committed to or required of said town, subject to the board of health of the county and town, and subject to all ordinances, rules and regulations of the said board, have charge of the enforcement of all matters relating to health and sanitation within the town, except as may be in this Act otherwise prescribed. He shall be authorized to enter upon private premises for the purpose of discharging the duties hereby imposed upon him but shall not have the right to enter a dwelling house over objection of the owner or tenant except when authorized.

Recommendation of commissioners to purchasing agent for departmental needs.

SEC. 9. It shall be the duty of each commissioner to recommend to the town purchasing agent the purchase of goods and the contract for all things necessary to be contracted for in his department, and these recommendations shall be submitted to the board of commissioners for its order with respect thereto.

Powers and duties of board of commissioners.

SEC. 10. The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the town or its officers. It shall make all orders for the doing of work or the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay rolls and claims, and order payment thereof. It shall make

all assessments for the cost of street improvements, sidewalks, sewers, and other work, improvements, or repairs which may be specially assessed. It shall make or authorize the making of all contracts and no contract shall bind or be obligatory upon the town unless either made by ordinance or resolution adopted by the board of commissioners and reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review and to approval or revocation by the board of commissioners. Every head of departments, superintendent, agent, employee, or officer shall from time to time, as required by law or ordinance, or when requested by the board of commissioners, or sooner if said agent shall deem it necessary for the good of the public service, report to the board of commissioners in writing respecting the business of his department, officers, or employment, all matters connected therewith. The board of commissioners may, by ordinance or resolution, assign to a head of a department, or officer, employment and such service shall be rendered without additional compensation. The board of commissioners shall elect and have authority over the town clerk who shall be the clerk of the board of commissioners.

Attendance of commissioner to performance of duties.

SEC. 11. Each member of the board of commissioners shall devote such of his time and attention to the performance of the public duties herein mentioned as is necessary to fully carry out the same.

Eligibility requirements as to office holding and voting.

SEC. 12. Method and selection of officers. All persons living within the confines of the United States and owning property within the confines of Surf City shall be eligible to run for the office of commissioner and be eligible to vote in the general election as held hereunder.

Appointment of mayor and commissioners by Governor.

In the second week of June, 1953, and in the second week of June every two years thereafter, the Governor of the State of North Carolina shall appoint a mayor and two commissioners for the said Town of Surf City, who shall be sworn in as such mayor or commissioner on or before the month of June in the year of such appointment, or as soon thereafter as possible, by any person who is authorized to administer oaths, but the Governor shall appoint only such persons to fill said offices as shall be recommended to him, to be selected as follows:

Procedure for appointment.

Petition of candidacy for office.

SEC. 13. On or within thirty days before the first day of March, 1953 and every two years thereafter, any person desiring to become a candidate for office of Mayor or Commissioner of Surf City shall file with the clerk of said town their petition for said office, signed by at least three freeholders or three legal residents of the said town, and shall pay to the clerk of the said town the sum of $10.00 as a filing fee which money shall be paid into the Treasurer of Surf City.

Filing fee.

Distribution of ballots.

SEC. 14. That on or before the second Monday in May, 1953 and every two years thereafter, there shall be forwarded by the Clerk of the Town of Surf City, a ballot to every freeholder at their last known address and to registered legal residents of said Town of Surf City, said ballot containing the names of the persons so filing for the above stated offices. The word freeholder or legal resident shall be designated behind the names of the respective candidates and the ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of Pender County in a sealed envelope not later than nine o'clock A. M., the first Monday in June following, and said ballots to be then opened and tabulated at seven-thirty o'clock P. M., on said first Monday in June, in the office of the Clerk of the Town of Surf City by the Chairman of the Pender County Board of Elections, said opening being public, after which time the Chairman of the Board of Elections of Pender County shall open and count all ballots duly cast by qualified voters as herein provided and shall certify to the Clerk of Surf City the three persons receiving the highest number of votes and in the event of a tie he shall certify as many persons as have the same number of votes to the Clerk of Surf City as persons having sufficient number of votes to elect. Upon receipt of said certification from the Chairman of the Board of Elections of Pender County it shall be the duty of the Clerk of Surf City to forward by registered mail to the Governor of the State of North Carolina the papers as received from the Chairman of the Board of Elections of Pender County which shall consist of certification of three or more persons and upon receipt of said certification the Governor may appoint the person receiving the highest number of votes as the mayor and commissioner of public safety. The person receiving the next highest number of votes he may appoint as the commissioner of finance. The person receiving the next highest number of votes he may appoint as commissioner of public works *provided* that in case of ties in any of the brackets the Governor may appoint such candidate as he may choose to fill the respective office, and the Governor shall appoint a mayor and two commissioners from the list certified to him as herein provided, and all officers so selected and appointed by the Governor of North Carolina shall hold office for a period of two years or until their successors have been duly elected and otherwise qualified to take over the duties of the office, *provided further* that in case of real property held as tenants by the entirety or tenants in common, each party shall be entitled to a vote, *provided further* that such voters must have been a property owner or legal resident at least six months prior to the deadline for having the ballots in the hands of the Chairman of the Board of Elections of Pender County.

Marking and notarization of ballots.

Ballots returned to County Board of Elections.

Tabulation of ballots.

Certification to town clerk of persons receiving highest votes.

Certification to Governor.

Appointment of officials.

Terms of office.

Residental qualification of voters.

Qualification of voters.

SEC. 15. The persons entitled to receive ballots from the Clerk of the Town of Surf City and to vote as hereinbefore set out shall be:

(a) Persons twenty-one years of age or over having resided six months or more in the Town of Surf City immediately preceding the deadline for the opening of the ballots.

(b) Persons who are twenty-one years of age and over who are freeholders, as defined in Section 14 herein, in the Town of Surf City and who are citizens of the United States and residing in any part of the United States of America.

(c) The Clerk of the Town of Surf City shall forward the ballot aforementioned to every freeholder and every legal resident by mailing same to last known address or delivering in person.

Salaries of officials.

SEC. 16. Salaries. The mayor and commissioners shall have office at the town hall. The compensation of the mayor and commissioners shall be as follows: Mayor and commissioner of public safety, twenty-five dollars ($25.00) per annum; commissioner of public works and commissioner of finance, twenty-five dollars ($25.00) each per annum. Salaries shall be paid in equal monthly installments.

Terms of incumbent officials.

SEC. 17. The present Mayor and Commissioners of the Town of Surf City shall hold office until 12 o'clock midnight on the thirtieth day of June, 1953, and longer unless their successors have qualified.

Vacancy appointments.

SEC. 18. Should a vacancy occur by resignation or otherwise the two remaining commissioners may appoint a successor who upon being sworn in by the clerk of said town or some other person duly authorized, may take office and discharge the duties of said office until the term has expired as herein provided.

Compensation to Chairman, County Board of Elections for election duties.

SEC. 19. The Chairman of the County Board of Elections of Pender County shall receive for his services, in addition to such other compensation as he may receive, the sum of fifty dollars ($50.00) for supervising said casting of ballots. The said amount shall be paid by the Town of Surf City, and the Town of Surf City is hereby authorized, empowered and directed to pay such other necessary expense that may be incurred in carrying out the provisions of this Act.

Violations of provision of Act relating to ballots made misdemeanor.

SEC. 20. Any person violating any Section of this Act regarding the opening of said ballots or casting as same shall be guilty of a misdemeanor, and punished by a fine or imprisonment in the discretion of this court.

Conflicting laws repealed.

SEC. 21. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 22. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

H. B. 726 **CHAPTER 513**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF EAST SPENCER.

The General Assembly of North Carolina do enact:

Town of East Spencer. Incorporation and corporate powers.

SECTION 1. Incorporation and Corporate Powers. The inhabitants of the Town of East Spencer within the boundaries as established in Section 3 of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name of the Town of East Spencer, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and the Town of East Spencer shall have and may exercise all municipal powers, functions or rights, privileges and immunities of every kind and nature granted by this Act or by Chapter 160 of the General Statutes of North Carolina or the Constitution of North Carolina and in particular the following authority and power:

Specific powers enumerated.

Taxation, pledge of credit.

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

Public services and utilities.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

Public improvements.

(3) To make local public improvements and to acquire, by condemnation or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

Bonds.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the

revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries. Public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws. Police, sanitary, etc., regulations.

Except as otherwise provided in this Act the board of aldermen shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised. Exercise of granted powers.

SEC. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or necessary to the exercise of such powers, it is intended that the Town of East Spencer shall have, and may exercise, all powers which, under the Constitution or General Statutes of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of aldermen. Enumerated powers not exclusive.

SEC. 3. Corporate Limits. The corporate limits of the town shall be as follows: Beginning at the edge of the North Carolina Railroad on Captain John Beard's line where it crosses the railroad at a point near the Trexler crossing; thence South 32½ degrees East, 3500 feet to a stake; thence North 57½ degrees East, parallel with said railroad and on the East side thereof, 9200 feet to a stake; thence North 32½ degrees West, 3850 feet to a stake on the line of the right of way of said railroad; thence with said railroad, 9200 feet to the beginning, as shown by a map by C. M. Miller for East Spencer. No part of said railroad is included in the corporate limits of said town. Corporate limits.

SEC. 4. Creation. Salary and Composition of Mayor and Board of Aldermen. Mayor and Board of Aldermen.

Except as otherwise provided in this charter all powers of the town shall be vested in a board of aldermen of four members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of aldermen shall be for two years and until their successors are elected and qualified, and shall begin on the first day of July next following their election. If a vacancy occurs in the office of mayor or aldermen, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of aldermen. Each member of the board of aldermen shall receive the same salary Terms of office. Vacancy appointments. Compensation of aldermen.

as now provided by law: *Provided, however,* this amount may be changed by ordinance duly adopted by the board of aldermen, but no such ordinance shall increase or decrease the salary of any member during his term of office. Members of the board of aldermen shall be qualified electors of the town. A member of the board of aldermen ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office. The present mayor and members of the board of aldermen and other elective officers shall continue to hold and serve in such capacities until their successors are duly elected and qualified.

Qualifications of aldermen.

Terms of incumbent officials.

Meetings of Board of Aldermen.

SEC. 5. Meetings of Board of Aldermen. At 7:00 P.M. o'clock on the first day of July following a regular municipal election, the board of aldermen shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of aldermen shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of aldermen. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of aldermen and of committees thereof shall be open to the public, and the rules of the board of aldermen shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of aldermen or a committee thereof may by a majority vote of all the members, authorize an executive meeting.

Special meetings.

Meetings open to public.

Executive meeting.

Mayor and Mayor Pro Tem.

SEC. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of July following a regular municipal election the board of aldermen shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of aldermen, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Duties and powers of mayor.

Mayor pro tem to act in absence of mayor.

Power of Board of Aldermen as to elections.

SEC. 7. Rules. The board of aldermen shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and

papers; but the decision of the board of aldermen in any such case shall be subject to review by the courts. The board of aldermen shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior and, by vote of not less than three members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charge against him and given an opportunity to be heard in his own defense.

Review by courts.

Additional powers of board.

SEC. 8. Quorum. A majority of the members elected to the board of aldermen shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of aldermen shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Quorum.

SEC. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of aldermen only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject, or appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of aldermen. The enacting clause of all ordinances shall be "Be it ordained by the Town of East Spencer."

Introduction and passage of ordinances and resolutions.

SEC. 10. When ordinances and resolutions take effect. Except as otherwise prescribed in this charter, all ordinances and resolutions passed by the board of aldermen shall take effect at the time indicated therein.

Effective date of ordinances and resolutions.

SEC. 11. Authentication and Publication of Ordinances and Resolutions.

Authentication and publication of ordinances and resolutions.

Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage each ordinance and resolution shall be published or posted at least once in such manner as the board of aldermen may prescribe by ordinance.

Municipal elections.

SEC. 12. Municipal Elections. The regular election for the office of mayor and members of the board of aldermen shall be held on Tuesday after the first Monday in May in odd numbered years. The board of aldermen by resolution may order a special election on any question which it is authorized, or may hereafter be authorized, by this charter, Chapter 160 of the General Statutes or the Constitution of the State of North Carolina to hold.

Regulations of elections.

SEC. 13. Regulations of Elections. The board of aldermen shall make all needful rules and regulations, not inconsistent with this charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud.

Primary election and nominations.

SEC. 14. Primary Election and Nominations. The primary election for the nomination of mayor and member of the board of aldermen shall be held on the second Saturday preceding all regular municipal elections. Any qualified elector of the town may become a candidate for mayor or the board of aldermen by filing with the town clerk not later than twelve o'clock P. M., on the first Wednesday prior to the primary election a certificate of intention to run, and shall pay a filing fee, the amount of which shall be determined by the board of aldermen, not to exceed $10.00.

Ballots.

SEC. 15. Ballots. The full names of candidates nominated for mayor or the board of aldermen in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots as provided in the rules and regulations adopted by the board of aldermen.

Election of Mayor and Board of Aldermen.

SEC. 16. Election of Mayor and Board of Aldermen. All members of the board of aldermen shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of aldermen. All candidates, up to the number to be elected, who receive the highest number of votes shall be declared elected.

Appointment of officers and employees.

SEC. 17. Appointment of Officers and Employees. The board of aldermen shall appoint a town clerk, a treasurer, a tax collector, a town attorney, a chief of police, a fire chief and such other officers and employees as may be necessary: *Provided*, that the board of aldermen may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of aldermen, and shall perform such duties as may be prescribed by the board of aldermen. The board of aldermen shall fix all salaries, prescribe bonds and require such oaths as it may deem necessary.

Town clerk.

SEC. 18. Town Clerk. The town clerk shall keep the records

of the board of aldermen and perform such other duties as may be required by law or the board of aldermen.

Duties of town attorney.

SEC. 19. Duties of Town Attorney. The town attorney shall be an attorney at law duly licensed to practice in the State of North Carolina. He shall be the chief legal adviser of and attorney for the town and all departments and offices thereof in matters relating to their official powers and duties.

Duties of town tax collector.

SEC. 20. Duties of Town Tax Collector. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities.

Duties of town treasurer.

SEC. 21. Duties of Town Treasurer. The town treasurer shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.

Custody of town moneys.

SEC. 22. Custody of Town Moneys. All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the treasury and shall be deposited with responsible banking institutions. These institutions shall be designated by the board of aldermen in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government.

Issuance of bonds.

SEC. 23. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the general laws for North Carolina for the issuance of bonds by municipalities.

Purchase procedure.

SEC. 24. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of aldermen may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than $1,000.00 shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

Contracts for town improvements.

SEC. 25. Contracts for Town Improvements. Any town improvement costing more than $1,000.00 shall be executed by contract except where such improvement is authorized by the board of aldermen to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than $1,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of aldermen shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of aldermen.

Independent audit of accounts of town government.

SEC. 26. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants selected by the board of aldermen, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the council may accept such audit by the State as fulfilling the requirements of this Section.

Abatement of public nuisances.

SEC. 27. Abatement of Public Nuisances. The board of aldermen shall require and compel the abatement and removal of all nuisances of whatsoever nature and shall tax the person or persons causing same with the cost and expenses of such removal, and the said cost and expenses shall be collectible before the mayor as the costs in criminal offenses in the jurisdiction of the court for misdemeanor.

Procedure upon adoption of ordinance finding building in town to be unsafe, unsanitary, etc.

(a) Whenever the board of aldermen adopts an ordinance finding that any building within the town is unsafe or unsanitary, or dangerous or detrimental to the health, safety, or morals, or otherwise inimical to the welfare of the residents of the town, power is hereby conferred upon the town to exercise its police powers to repair, close or demolish such building in the following manner: Board of aldermen shall issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the board of aldermen at a time and place stipulated in said complaint; that the owner and parties in interest shall be given the right to file and answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board of aldermen. If after such notice and hearing the board of aldermen determine that the building under consideration is unsafe, unsanitary, or dangerous, it shall state in writing its findings of fact in support of such determi-

Service of complaint upon owner.

Hearing.

Rights of owner to file answer and give testimony.

Findings of board.

nation and shall issue and cause to be served upon the owner thereof an order requiring the owner, within the time specified, to repair, alter, or improve such building to such an extent as to remove the causes of complaint, or requiring the owner, within the time specified in the order, to remove or demolish such building. If the owner fails to comply with an order to repair, alter, or improve the building, the board of aldermen shall cause such building to be repaired, altered, or improved or to be vacated and closed, and the board of aldermen shall cause to be posted at the main entrance of any building so closed, a placard with the following words: "This building is unsafe and unfit for human habitation; the use or occupation of this building is prohibited and unlawful." If the owner fails to comply with an order to remove or demolish the building, the board of aldermen may cause such building to be removed or demolished. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board of aldermen shall be a lien against the real property upon which such cost was incurred. Complaints or orders issued by the board of aldermen pursuant to an ordinance adopted under this Section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the board of aldermen in the exercise of reasonable diligence, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the county and circulating in the Town of East Spencer. Nothing in this Section shall be construed to impair or limit in any way the power of the Town of East Spencer to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

Order of repair or alteration, etc.

Procedure upon failure of owner to comply.

Service of complaints or orders of board.

Power of town to abate nuisances.

SEC. 28. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the board of aldermen, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Publicity of records.

SEC. 29. Personal Interest. Neither the mayor nor any member of the board of aldermen nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge

Personal interest of town officials in contracts with or sales to town prohibited.

Penalty for violation.

express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of aldermen.

Oath of office.

SEC. 30. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the Charter and Ordinances of the Town of East Spencer and will faithfully discharge the duties of the office of _____."

Continuance of contracts.

SEC. 31. Continuance of Contracts. All contracts entered into by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Saving clause.

SEC. 32. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of East Spencer is affected thereby.

Repealing clause.

SEC. 33. Repealing Clause. That Chapter 74 of Private Laws of 1901, Chapter 502 of Private Laws of 1907, Chapter 107 of Private Laws of 1909, Chapter 21 of Private Laws of 1913, Chapter 15 of Private Laws of Extra Session of 1920, Chapter 58 of Private Laws of Extra Session of 1921, Chapter 87 of Private Laws of 1927, Chapter 4 of Private Laws of 1931, Chapter 382 of Public-Local and Private Laws of 1941, and Chapter 526 of the Session Laws of 1943 are hereby repealed, and all other laws and clauses of laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

SEC. 34. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1949.

S. B. 220 **CHAPTER 514**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO DEFER QUADRENNIAL REVALUATION AND REASSESSMENT OF REAL PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Cumberland County, Richmond County are hereby authorized, in its discretion, to defer or postpone until the year 1950 or 1951 the quadrennial revaluation and reassessment of real property as required by G. S. 105-278.

Cumberland County, quadrennial revaluation and reassessment of property deferred.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

S. B. 234 **CHAPTER 515**

AN ACT TO AMEND CHAPTER ONE HUNDRED FORTY-FIVE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-FIVE, RELATING TO FEES OF THE CLERK SUPERIOR COURT OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 145 of the Public-Local and Private Laws of 1925 be and the same is hereby amended by adding a new Subsection at the end of Section 1 to read as follows:

Ch. 145, Public-Local Laws, 1925, amended as to fees of Clerk Superior Court, Rowan County.

"(3) *Provided however,* that the Clerk of the Superior Court of Rowan County shall, in addition to his salary, be entitled to the fees as are now provided for by the General Statutes for the Clerk of the Superior Court of Rowan County in final settlements of receiverships, executors, trustees, administrators, guardianships and settlements of trustees in mortgage foreclosures."

SEC. 2. All laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

S. B. 257 **CHAPTER 516**

AN ACT TO AMEND CHAPTER 749 OF THE SESSION LAWS OF 1947 RELATING TO THE SALARIES OF THE SHERIFF, THE CLERK OF SUPERIOR COURT AND THE REGISTER OF DEEDS OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 749, Session Laws, 1947, amended.

SECTION 1. That Section 1 of Chapter 749 of the Session Laws of 1947 is amended by striking out that portion of said Section between the words "county" in line 6 and "to" in line 8 and inserting in lieu thereof the following:

Anson County, salary of sheriff.

"The Board of County Commissioners of Anson County is authorized to fix the salary of the sheriff of said county at such sum as it may deem fair and proper but not to exceed six thousand dollars ($6,000) per year."

SEC. 2. That Section 2 of said Chapter 749 of the Session Laws of 1947 is amended by striking out that portion of said Section appearing between the words "receiver" in line 2 and "all" in line 9 and inserting in lieu thereof the following:

Salary of Clerk of Superior Court.

"The Board of County Commissioners of Anson County is authorized to fix the salary of the Clerk of Superior Court of said county at such sum as it may deem fair and proper not in excess of six thousand dollars ($6,000) per year." The sum so fixed to be in lieu of compensation which said clerk has heretofore been receiving in his capacity as Clerk of Superior Court, and as Clerk ex officio of the Anson County Criminal Court and as juvenile judge.

Salary of register of deeds.

SEC. 3. In lieu of all fees and commissions of every kind and nature and in lieu of compensation received as clerk to the board of county commissioners, the Board of County Commissioners of Anson County is authorized to fix the salary of the register of deeds of said county at such sum as it may deem fair and proper but not in excess of six thousand dollars ($6,000) per year." All fees and commissions received by the said register of deeds shall be turned over to the county auditor.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

S. B. 269 **CHAPTER 517**

AN ACT TO CHANGE THE TERRITORIAL JURISDICTION OF THE RECORDER'S COURT OF THOMASVILLE SO AS TO INCLUDE ABBOTT'S CREEK TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. Section 3 of Chapter 82 of the Public-Local Laws of 1933 is hereby amended by striking out the words "Abbott's Creek," in line 6. Ch. 82, Public-Local Laws, 1933, amended.

SEC. 2. Section 4 of Chapter 245 of the Public-Local Laws of 1933 is hereby amended by inserting the words "or Abbott's Creek Township" after the word "Thomasville" in line 2 of Subsection (A), and in line 1 of Subsection (B), and in line 2 of Subsection (C), and in lines 2 and 14 of Subsection (D). Ch. 245, Public-Local Laws, 1933, amended as to jurisdiction of Thomasville Recorder's Court.

SEC. 3. This Act does not apply to pending litigation. Pending litigation unaffected.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

S. B. 287 **CHAPTER 518**

AN ACT TO FIX THE FEES OF THE CORONER OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the ratification of this Act, the Coroner of Edgecombe County shall receive for holding an inquest over a dead body ten dollars ($10.00); if necessarily engaged more than one day in holding such inquest, the coroner shall receive for each additional day the sum of ten dollars ($10.00). Edgecombe County, fees of Coroner.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

S. B. 293 CHAPTER 519

AN ACT TO AMEND G. S. 2-50 WITH REFERENCE TO UNCLAIMED FEES OF JURORS AND WITNESSES PAID TO GENERAL FUND OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

G. S. 2-50, amended.

SECTION 1. G. S. 2-50 is amended by adding the following paragraph at the end thereof to read as follows:

Randolph County, unclaimed witness fees paid in county general fund.

"In Randolph County whenever the annual county audit of the Clerk of the Superior Court's office shall show that witness fees have remained in the hands of said clerk for twelve months or more, the same shall be turned over to the county general fund for the use of the General Fund of Randolph County, and the county commissioners may pay any claim for witness fees received from the Clerk of the Superior Court, *provided* the person entitled thereto presents his claim therefor within two years from the time the funds are received by Randolph County from the Clerk of the Superior Court."

Presentation of claims.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

S. B. 294 CHAPTER 520

AN ACT TO AMEND G. S. 6-52 RELATING TO THE FEES AND MILEAGE OF WITNESSES IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

G. S. 6-52, amended as to fees and mileage of witnesses, Randolph County.

SECTION 1. G. S. 6-52, as it appears in the 1947 Supplement to the General Statutes, is amended by striking out the word "Randolph," in line 9 of said Section.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

S. B. 299 **CHAPTER 521**

AN ACT TO AMEND G. S. 9-5, RELATING TO THE PAY OF JURORS IN THE SUPERIOR COURT OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 9-5, as amended, is hereby further amended by adding at the end thereof the following: G. S. 9-5, amended.

"All jurors in the Superior Court of Davidson County shall receive such amount per day as the county board of commissioners may fix not less than five dollars ($5.00) per day and not more than eight dollars ($8.00) per day. In addition to such compensation per day, all jurors in the Superior Court of Davidson County shall receive a travel allowance of five cents (5c) per mile while coming to the county seat and returning home, such distance to be computed by the usual route of public travel, and such travel allowance shall be paid on the basis of one round trip per day for each day in which attendance is required." Davidson County, fees of jurors. Travel allowance.

SEC. 2. This Act applies only to Davidson County. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

H. B. 248 **CHAPTER 522**

AN ACT TO AMEND SECTION 96-11 (a) OF THE GENERAL STATUTES RELATING TO THE PERIOD OF AN EMPLOYER'S COVERAGE UNDER THE UNEMPLOYMENT COMPENSATION LAW.

The General Assembly of North Carolina do enact:

"SECTION 1. That Article 2, Chapter 96, Section (11), Subsection (a), be and the same is hereby amended by inserting in line 5 after the word "year" and before the semicolon the following: G. S. 96-11, amended as to period of employer's coverage under Unemployment Compensation Law.

'except as otherwise provided in Section 96-8 (f) (2)'."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

H. B. 249 CHAPTER 523

AN ACT TO AMEND SECTION 96-8 (f) (2) OF THE GENERAL STATUTES RELATING TO THE DEFINITION OF EMPLOYER UNDER THE UNEMPLOYMENT COMPENSATION LAW.

The General Assembly of North Carolina do enact:

G. S. 96-8, defining the term "Employer" under Unemployment Compensation Law, amended.

SECTION 1. That Article 2, Chapter 96, Section (8), Subsection (f), paragraph (2), General Statutes of North Carolina, be and the same is hereby amended by striking out the semicolon at the end of said paragraph and adding the following:

Application to employing unit which becomes an "Employer" by virtue of acquisition of the business of another.

The provisions of Section 96-11 (a), to the contrary notwithstanding, any employing unit which becomes an employer solely by virtue of the provisions of this paragraph shall not be liable for contributions based on wages paid or payable to individuals with respect to employment performed by such individuals for such employing unit prior to the date of acquisition of the organization, trade, business, or a part thereof as specified herein, or substantially all the assets of another, which at the time of such acquisition was an employer subject to this Chapter. This provision shall not be applicable with respect to any employing unit which is an employer by reason of any other provision of this Chapter. The provisions of this paragraph shall not be applicable if the successor within sixty days from the date of the acquisition of the organization, trade, or business, or substantially all the assets of the predecessor, or a part thereof as provided herein, files a written request with the commission to be relieved from the provisions of this paragraph, and the commission finds the predecessor was an employer at the time of such acquisition only because such predecessor had failed to make application for termination of coverage as provided in Section 96-11 of this Chapter.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

H. B. 695 CHAPTER 524

AN ACT RELATING TO THE COUNTY ACCOUNTANT OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 407 of the Session Laws of 1947 is hereby amended by rewriting Section 3 to read as follows: Ch. 407, Session Laws, 1947, amended.

"SEC. 3. The County Accountant of Caswell County shall receive a salary to be fixed by the Board of Commissioners of Caswell County, in its discretion, in an amount of not less than fifteen hundred dollars ($1500.00) nor more than twenty-four hundred dollars ($2400.00) per year, payable in equal monthly installments." Caswell County, salary of County Accountant.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

H. B. 790 CHAPTER 525

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CASWELL COUNTY TO PROHIBIT THE OPERATION OF LOUDSPEAKER, AMPLIFYING OR PUBLIC ADDRESS SYSTEMS IN CERTAIN AREAS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Caswell County is hereby authorized, in its discretion, either upon receiving petitions or without receiving any petition, to adopt a resolution describing and designating one or more of the populous areas of the county as an anti-noise area or areas. Caswell County, designation of "anti-noise" area authorized.

SEC. 2. From and after fourteen days after the adoption of any resolution pursuant to Section 1 of this Act, it shall be unlawful for any person, firm or corporation to operate in, or about any building or structure, other than a motor vehicle, a loudspeaker, amplifying or public address system for the purpose of making the voice, music or other sounds audible outside the building or structure wherein such voice, music or sound originates. Regulation of operation of loudspeaker, amplifying or public address system.

SEC. 3. This Act shall not apply to any person, firm or corporation operating such sound devices wholly within any structure for the better hearing of guests or patrons therein; to

the use of such sound devices for the purpose of celebration of holidays; to drive-in theaters or to the use of such devices when the purpose of such use is to prevent loss of life or injury to persons or property.

Violations made misdemeanor.

SEC. 4. A violation of this Act is a misdemeanor punishable by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty days.

Application of Act.

SEC. 5. This Act applies only to Caswell County.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

H. B. 805 CHAPTER 526

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF APEX TO EXERCISE THE POWERS OF PEACE OFFICERS SO AS TO INCLUDE ALL TERRITORY WITHIN ONE MILE OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Apex, police authority extended.

SECTION 1. The authority of police officers of the Town of Apex to make arrests, serve warrants, and otherwise exercise the powers of peace officers is hereby extended to include all territory within one mile of the corporate limits of the Town of Apex.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

H. B. 887 CHAPTER 527

AN ACT TO PREVENT TRESPASSING AND DEPREDATIONS ON SCHOOL PROPERTY IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, either afoot or by vehicle, to enter, remain, or loiter on any school property in Cleveland County, between the hours of 6:00 P. M. and 6:00 A. M., except in the discharge of official school duties or business, or in attendance upon lectures or classes, or while attending or participating in school sponsored athletic, educational, or social activities.

Cleveland County, trespass upon school property during certain hours prohibited.

Exceptions.

SEC. 2. It shall be unlawful for any person at any time to commit any nuisance or depredation, or inflict any damage upon any school property in Cleveland County, or to engage in any immoral or disorderly conduct thereon.

Depredation or disorderly conduct on school property prohibited.

SEC. 3. Any person found guilty of violating any provision of this Act shall be guilty of a misdemeanor, and subject to punishment by fine or imprisonment, or both, in the discretion of the court.

Violations made misdemeanor.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

H. B. 904 CHAPTER 528

AN ACT TO AMEND CHAPTER 33 OF THE PUBLIC LAWS OF 1941, RELATING TO FEES IN WAYNE COUNTY FOR COUNSEL APPOINTED IN CAPITAL CASES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 33 of the Public Laws of 1941 relating to counsel fees in capital cases in Wayne County is hereby amended by striking out the words and figures "one hundred dollars ($100.00)" which appear after the word "exceed" and before the semi-colon in line 10 of said Section and by inserting in lieu thereof the following words and figures, "two hundred dollars ($200.00)."

Ch. 33, Public Laws, 1941, as to fee for counsel appointed in capital cases, Wayne County, amended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1949.

S. B. 200 CHAPTER 529

AN ACT TO AMEND CHAPTER 259 OF THE PUBLIC LAWS OF 1941 RELATING TO THE PREVENTION OF RABIES, SO AS TO MAKE ALL OF THE PROVISIONS OF SAID CHAPTER APPLICABLE TO EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 259, Public Laws, 1941, relating to prevention of rabies amended as to Edgecombe County.

SECTION 1. That Chapter 259 of the Public Laws of 1941 be amended by striking out the word "Edgecombe" in Sections 7 and 8 thereof.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

S. B. 313 CHAPTER 530

AN ACT AUTHORIZING THE COUNTY BOARD OF EDUCATION OF DAVIE COUNTY TO TRANSFER AND QUITCLAIM A CERTAIN SCHOOL BUILDING TO THE TRUSTEES OF OAK GROVE METHODIST CHURCH.

Preamble: Davie County, ownership of building formerly used for school purposes.

WHEREAS, Oak Grove Methodist Church in Mocksville Township, Davie County, is the owner of a certain tract of land in Mocksville Township, Davie County, upon which is located a certain building formerly used for school purposes, and

Desire of Board of Education to transfer building.

WHEREAS, said building being no longer used or needed for school purposes, the County Board of Education of Davie County desires authority to transfer and quitclaim said building to said Oak Grove Methodist Church: *Now, therefore,*

The General Assembly of North Carolina do enact:

Davie County Board of Education authorized to transfer building to church designated.

SECTION 1. The County Board of Education of Davie County is hereby authorized, empowered, and directed to transfer and quitclaim to Lawrence McClamrock, Lawrence Summers, and

G. W. McClamrock, as trustees for said Oak Grove Methodist Church, all right, title and interest of the County Board of Education of Davie County, in and to that certain building formerly used for school purposes, and located on the land owned by said Oak Grove Methodist Church, in Mocksville Township, Davie County, North Carolina, without any charge.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 367 CHAPTER 531

AN ACT TO REPEAL CHAPTER 61 OF THE PRIVATE LAWS OF 1923 PROVIDING FOR A COMMISSION TO OPERATE PUBLIC UTILITIES SUPPLYING WATER OR LIGHTS TO THE CITIZENS OF THE TOWN OF GRAHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 61 of the Private Laws of 1923 be, and the same hereby is repealed. Ch. 61, Private Laws, 1923, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 447 CHAPTER 532

AN ACT RELATING TO THE APPOINTMENT AND QUALIFICATIONS OF THE TAX SUPERVISOR IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 438 of the Session Laws of 1947, being an Act designating persons who may be Tax Supervisors of Johnston County is repealed and the appointment and qualifications of the tax supervisors for said county shall be as provided in Article 14 of Chapter 105 of the General Statutes. Ch. 438, Session Laws, 1947, repealed.

Johnston County, appointment and qualification of tax supervisors.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 551 CHAPTER 533

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY TO ADJUST ALL DELINQUENT TAXES FOR THE YEAR 1938 AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Montgomery County, adjustment of delinquent taxes authorized.

SECTION 1. The Board of Commissioners of Montgomery County is hereby authorized and empowered to adjust, remit, compromise or otherwise settle delinquent taxes for the year 1938 and all prior years, regardless of whether an action at law has been instituted to foreclose tax sale certificates in connection therewith.

Prior adjustments, etc., validated.

SEC. 2. All acts of the Board of Commissioners of Montgomery County done heretofore in adjusting, settling or collecting taxes for the year 1938 and prior years are hereby approved and validated.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 552 CHAPTER 534

AN ACT TO ABOLISH THE OFFICE OF TAX COLLECTOR IN MONTGOMERY COUNTY, AND TO CONSOLIDATE THE DUTIES OF TAX COLLECTOR AND TAX SUPERVISOR.

The General Assembly of North Carolina do enact:

Montgomery County, office of Tax Collector abolished.

SECTION 1. That the office of Tax Collector of Montgomery County, created by authority of Chapter 429 of the Public-Local Laws of 1933 is hereby repealed.

Powers and duties of Tax Collector transferred to Tax Supervisor.

SEC. 2 . That the Tax Supervisor of Montgomery County shall be vested with the same power and authority and subject to the same penalties and conditions as are now given by the State to sheriffs, or other tax collectors in the collection of taxes, licenses, fees, penalties and other revenues; and the Board of Commissioners for the County of Montgomery is hereby authorized and empowered to confer upon said tax supervisor, the duties of collecting all delinquent taxes, fees and penalties and other revenues which the sheriffs or other tax collectors of North Carolina may now have the power and authority to collect.

Appointment of necessary assistants and clerks.

SEC. 3. The Board of Commissioners for the County of Montgomery is authorized and empowered, in its discretion, to appoint such assistants or clerks as shall be necessary to carry out the purposes of this Act, under such penalties and conditions as said board may deem necessary.

Salary and bond of Tax Supervisor.

SEC. 4. That the Board of County Commissioners of Montgomery County shall have the power and authority to fix the salary of said tax supervisor and the amount of bond which shall be required of him.

Final settlement of Tax Collector.

SEC. 5. That when this Act shall go into effect, and the tax supervisor shall give the bond required of him, the tax collector shall make final settlement with the County of Montgomery and turn over to said tax supervisor all moneys belonging to Montgomery County, and all accounts, records and other property of said Montgomery County in his hands.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. That this Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 564 CHAPTER 535

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO DEFER AND POSTPONE THE REVALUATION OF REAL ESTATE IN SAID COUNTY UNTIL THE YEAR, 1951.

The General Assembly of North Carolina do enact:

New Hanover County, quadrenniel revaluation or reassessment of real property deferred.

SECTION 1. That the Board of Commissioners of New Hanover County is hereby authorized and empowered to defer or postpone the quadrennial revaluation or reassessment of real property in said county as required by G. S. 105-278, until the year, 1951.

Appointment of assessors.

SEC. 2. That the said board of commissioners shall have the power and authority to appoint the assessors in November, 1950, to make such revaluation as of January 1, 1951, and to make all preliminary investigations and set up machinery for said revaluation.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 569 CHAPTER 536

AN ACT VALIDATING SALES OF LAND FOR TAXES IN THE COUNTY OF ROBESON AND MUNICIPALITIES THEREIN MADE DURING THE YEAR 1947 AND 1948 AND CONFIRMING SETTLEMENTS AND ADJUSTMENTS OF TAXES HERETOFORE MADE BY THE GOVERNING BODY OF ROBESON COUNTY AND THE GOVERNING BODY OF THE MUNICIPALITIES THEREIN.

The General Assembly of North Carolina do enact:

Robeson County, tax sales and certificates validated.

SECTION 1. That all sales of tax certificates and all sales for failure to pay taxes held, conducted or made by the Tax Collector of Robeson County or of any municipality or taxing district therein, made during the years 1947 and 1948, on any date subsequent to or different from the date prescribed by law and all certificates of sale executed or issued pursuant to and in accordance with such sale, be and the same are hereby confirmed and validated and said sales and said certificates are of the same force and effect as if the sales had been conducted on the date authorized by law.

Settlement and adjustment of taxes validated.

SEC. 2. That all settlements and adjustments of taxes heretofore made by or under authority of the Board of Commissioners of Robeson County or by or under authority of the governing boards of any municipality in Robeson County, be, and the same are hereby confirmed and validated.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Pending litigation unaffected.

SEC. 4. That the provisions of this Act shall not apply to pending litigation.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 575 **CHAPTER 537**

AN ACT TO ESTABLISH A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF GASTONIA AND TO REPEAL CHAPTER 118 OF THE SESSION LAWS OF 1945.

The General Assembly of North Carolina do enact:

City of Gastonia, establishment of Supplementary Pension Fund for Fire Department.

SECTION 1. There is hereby established a Supplementary Pension Fund for the Fire Department of the City of Gastonia, said fund to be known as the "Gastonia Firemen's Supplementary Pension Fund," hereinafter referred to as "Supplementary Pension Fund," and said fund to be administrated by a board of trustees composed of the Chief of the Fire Department of the City of Gastonia, the Assistant Chief of the Fire Department of the City of Gastonia and a third member of said board to be elected annually, from the membership of the Gastonia Fire Department, by a majority vote of the chief and members of the fire department.

Administration of fund.

Ch. 118, Session Laws, 1945, establishing pension fund, repealed.

SEC. 2. Chapter 118 of the Session Laws of 1945, establishing a pension fund for the retirement and disability of members of the Fire Department of the City of Gastonia, is hereby repealed, and all proceeds from payroll deductions heretofore made under authority of Section 1, Subsection b, of said Chapter 118, Session Laws of 1945, shall be refunded to the firemen, or to their personal representatives, from whose checks said deductions were made.

Refund of proceeds from payroll deductions.

Transfer of funds to "Supplementary Pension Fund."

SEC. 3. The funds remaining in the Gastonia Firemen's Pension and Disability Fund, after the refunds described in Section 2 of this Act have been completed, shall be transferred to the "Supplementary Pension Fund" established by this Act, and all funds hereafter transferred from the Firemen's Relief Fund, as provided for in Chapter 183 of the Session Laws of 1945, shall also be transferred to the "Supplementary Pension Fund."

Eligibility for benefits from Supplementary Pension Fund.

SEC. 4. Any person who is a full time paid member of the Gastonia Fire Department, as shown by the records of the City of Gastonia at the time of the ratification of this Act, or any person who shall become such a full time paid member, shall be eligible for benefits from the "Supplementary Pension Fund": *Provided* that no such person shall be eligible for benefits from the "Supplementary Pension Fund" unless or until such person

has been retired as a member of the Gastonia Fire Department under the provisions of the retirement system for counties, cities and towns as set out in Article 3 of Chapter 128 of the General Statutes of North Carolina and as participated in by the City of Gastonia. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina.

Workmen's Compensation Laws unaffected.

Method of determination of benefits payable.

SEC. 5. Any full time paid member of said fire department who retires or is retired under the provisions of Section 4 of this Act shall receive monthly for the remainder of his life from the "Supplementary Pension Fund" an amount equal to two percent (2%) for each five (5) years of service, not to exceed fourteen percent (14%), of his average monthly salary at the time of his retirement.

Treasurer and custodian of fund.

SEC. 6. The Chief of the Gastonia Fire Department, as a member of the board of trustees of the supplementary pension fund, shall be treasurer and custodian of the said fund and shall pay the beneficiaries thereof on the first day of each and every month any moneys in his possession that such beneficiaries may be entitled to under the provisions of this Act.

Bond of custodian.

SEC. 7. The chief of the Gastonia Fire Department, as custodian of the "Supplementary Pension Fund," shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to one and one-quarter times the maximum amount estimated by the board of trustees as likely to be in his possession as such custodian at any time within the fiscal year for which the bond is given. The condition of said bond shall be that said custodian shall faithfully receive, keep, disburse and account for, as herein provided, all funds and property coming into his hands as such custodian, and the premiums on said bond shall be paid out of the "Supplementary Pension Fund."

Condition of bond.

Payment of premiums.

Investment of moneys in Fund.

SEC. 8. The said custodian of said "Supplementary Pension Fund" is authorized and directed to invest all moneys coming into his possession belonging to said "Supplementary Pension Fund," except so much as the board of trustees shall from time to time determine is reasonably necessary for the prompt payment of claims and expenses, in such securities as the board of trustees shall select: *Provided, however*, that such securities shall be limited to, and upon, the same conditions as those enumerated by the General Statutes of North Carolina, as amended, as to the investment of trust funds, and, or, the funds of guardians.

Limitation on investments.

Acceptance of gifts, grants, etc., to Fund.

SEC. 9. The board of trustees as herein provided for may, in its discretion, take and receive any gift, grant, bequest or devise or any real or personal property or other things of value for, and as, the property of the said "Supplementary Pension Fund" and hold and disburse and invest the same

for the use of said fund in accordance with the purpose of this Act and the conditions attached to any such gift, grant, bequest or devise.

Application of G. S. Ch. 118.

SEC. 10. The provisions of Chapter 118 of the General Statutes of North Carolina creating a Firemen's Relief Fund are repealed as to the City of Gastonia in so far as and only in so far as said provisions are inconsistent with and contradictory to the provisions of this Act.

Conflicting laws repealed.

SEC. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 616 CHAPTER 538

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HARNETT COUNTY TO RELEASE ANY INTEREST IT OR THE PUBLIC GENERALLY MAY HAVE IN CERTAIN LANDS.

The General Assembly of North Carolina do enact:

Harnett County, release and quitclaim of certain property authorized.

SECTION 1. The Board of Commissioners of Harnett County is hereby specifically authorized and empowered to execute and deliver to J. Paul Davis such release deeds, quitclaim deeds, or other instruments in writing, and to take such further measures and proceedings as may be advisable or necessary to release the interest of Harnett County and the public generally in and to all of that area 30 feet in width and 284 feet in length, designated as Shug Street, as shown upon the map of the Wilson Lucas, East Erwin, North Carolina, property made by W. J. Lambert, Registered Surveyor, November, 1945, and recorded in the Book of Maps No. 5, page 49, in the Register of Deed's office in Harnett County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 653 **CHAPTER 539**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF RALEIGH TO PROVIDE FOR INSPECTION OF ELECTRICAL AND PLUMBING INSTALLATIONS IN BUILDINGS WITHIN THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE CITY OF RALEIGH FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS, AND TO AUTHORIZE THE SAID GOVERNING BODY TO REGULATE THE CONSTRUCTION, ALTERATION AND REPAIR OF BUILDINGS WITHIN SAID EXTENDED TERRITORY.

The General Assembly of North Carolina do enact:

City of Raleigh, inspection of electrical and plumbing installations in buildings within certain area.

Certificate of inspection.

Authority to adopt ordinances relating to inspections within territory outside corporate limits.

Inspection fees.

SECTION 1. The Governing Body of the City of Raleigh is hereby granted power and authority, in its discretion, to designate and appoint one or more electrical and plumbing inspectors whose duty it shall be to inspect the installation of all wiring and other electrical installations and plumbing installations in buildings located within the corporate limits of the City of Raleigh and also within the territory beyond and surrounding the corporate limits of the City of Raleigh for a distance of one mile beyond the same in all directions, and to issue a certificate of inspection where such installations fully meet the requirements for such installations as prescribed by the general laws of the State of North Carolina and as prescribed by any ordinance or ordinances of the City of Raleigh; and the Governing Body of the City of Raleigh is hereby granted power and authority to adopt and enforce ordinances relating to electrical and plumbing inspections within the territory outside and beyond the corporate limits as herein defined to the same extent as the said governing body is authorized and empowered to adopt ordinances and enforce regulations relating to electrical and plumbing installations within the corporate limits pursuant to the Charter of the City of Raleigh and any other applicable law or laws. The Governing Body of the City of Raleigh shall have power to prescribe reasonable fees to be charged by such electrical and plumbing inspectors for inspections within and without the corporate limits, which fees shall be paid by the owner of the properties so inspected.

Application of building code of city to territory within one mile of corporate limits.

SEC. 2. The Governing Body of the City of Raleigh is hereby granted power and authority, in its discretion, to provide by ordinance that the provisions of the building code of the City of Raleigh shall apply to all construction, alterations, repairs and the removal of buildings within the territory beyond and surrounding the corporate limits of the City of Raleigh for a distance of one mile in all directions, and when so authorized by ordinance adopted by the Governing Body of the City of Raleigh, the building inspector or inspectors of the City of Raleigh shall have full power and authority and shall have all

of the duties prescribed by the general laws and the laws and ordinances applicable to the City of Raleigh to make inspections and to do all other things which building inspectors are authorized or directed to do as provided by the General Statutes or by any other applicable law.

Application of Act.

SEC. 3. The provisions of this Act shall apply only to the City of Raleigh and to the territory within the corporate limits of the City of Raleigh and that territory beyond and surrounding the corporate limits of the City of Raleigh for a distance of one mile beyond the same in all directions.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 654 CHAPTER 540

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE CITY OF RALEIGH AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE CITY OF RALEIGH FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

City of Raleigh, power to regulate building, planning, etc., in territory beyond corporate limits.

SECTION 1. For the purpose of promoting the orderly growth, expansion and development of the City of Raleigh and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the City of Raleigh and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the Governing Body of the City of Raleigh is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the Governing Body of the City of Raleigh to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the City of Raleigh, but also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of

Planning and zoning powers extended.

the City of Raleigh, as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the Governing Body of the City of Raleigh is hereby authorized and empowered to exercise any and all powers of planning and/or zoning conferred upon the City of Raleigh and vested in its governing body by the Charter of the City of Raleigh, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article XIV Subchapter 1 of Chapter 160 of the General Statutes, and/or by any other statute applicable to the City of Raleigh, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the City of Raleigh; *provided, however,* that any ordinance adopted pursuant to this Act applicable to the said territory outside and beyond the corporate limits of the City of Raleigh shall not be construed to prevent the continuance of any use of land or building structure which legally exists at the effective date of this Act, notwithstanding that such use may not conform with the regulations of the particular use district, as established by ordinance, in which such land or building structure is situated.

Act not applicable to existing uses of property outside corporate limits.

Creation of City Planning Commission (enlarged).

SEC. 2. Solely and exclusively for the purpose of exercising the powers, duties and functions of a zoning or planning commission with respect to ordinances, regulations, maps and plans applicable or proposed to be applicable to the said territory outside and beyond the corporate limits of the City of Raleigh, as defined by this Act, there is hereby created the City Planning Commission (enlarged) of the City of Raleigh, which shall be composed of the members of the City Planning Commission of the City of Raleigh, as now or hereafter constituted according to statute, and three additional members who shall be appointed by the Wake County Board of Commissioners, each of which additional members shall be citizens and residents of the said territory beyond and surrounding the corporate limits of the City of Raleigh for a distance of one mile beyond the same in all directions. The additional members shall be appointed for terms beginning July 1, 1949, one for a term of one year, one for a term of two years, and one for a term of three years, and until their respective successors shall be appointed and qualified; thereafter the appointment of such additional members shall be for terms of three years and until their respective successors have been appointed and qualified. The chairman and secretary of the city planning commission shall be the officers of the city planning commission (enlarged), and the laws, ordinances, rules and regulations applicable to the members of the City Planning Commission of the City of Raleigh shall be applicable to the members of the City Planning Commission (enlarged) of the City of Raleigh. For all other purposes, except as herein specifically provided, the membership, powers, duties

Membership of Commission.

Terms of additional members.

Officers of Commission.

Rules and regulations.

Powers and duties.

and functions of the City Planning Commission of the City of Raleigh shall be and remain as constituted by the Charter of the City of Raleigh and by the General Statutes of North Carolina applicable thereto, and except as herein specifically provided, the powers, duties and functions of the City Planning Commission of the City of Raleigh as constituted by law shall not be affected by the provisions of this Act.

Act not applicable to lands owned and used by State or its agencies.

SEC. 3. The provisions of this Act shall not apply to any lands owned and used by the State of North Carolina or by any of its agencies within the territory beyond and surrounding the corporate limits of the City of Raleigh for a distance of one mile beyond the same in all directions.

Application of Act.

SEC. 4. The provisions of this Act shall apply only to the City of Raleigh and to the territory within the corporate limits of the City of Raleigh and that territory beyond and surrounding the corporate limits of the City of Raleigh for a distance of one mile beyond the same in all directions, excepting the lands exempted by Section 3 of this Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 677 CHAPTER 541

AN ACT CREATING THE CURRITUCK COUNTY RACING COMMISSION FOR THE COUNTY OF CURRITUCK IN THE STATE OF NORTH CAROLINA AND PROVIDING FOR AN ELECTION THEREON.

The General Assembly of North Carolina do enact:

Currituck County Racing Commission created.

SECTION 1. There is hereby created the Currituck County Racing Commission for the County of Currituck, North Carolina, consisting of three members to administer and exercise the authority and power hereinafter set forth.

Appointment and terms of members.

The original members of the commission are to be appointed or named by the Member of the House of Representatives from Currituck County. The term of office of the first member appointed or named shall be for one year; that of the second member appointed or named shall be for two years; and that of the third member appointed or named shall be for three years. At the expiration of the first term of each member the successor

of each shall be appointed or named for a term of four years, by the Member of the House of Representatives from Currituck County and the two members whose terms have not expired, and so consecutively thereafter. Any vacancy in the membership of the commission, occurring by expiration, by death, by resignation, or by any other cause, shall be filled by then Member of the House of Representatives from Currituck County and the remaining members of the commission. Every appointment made shall be in writing, shall be signed by the Member of the House of Representatives from Currituck County and the two remaining members of the commission before a notary public or other person authorized to administer oaths in North Carolina, and shall be recorded and indexed in the office of the Clerk of the Superior Court of Currituck County.

Vacancy appointments.

Notarization and recordation of appointments.

Salaries of members of commission.

The salaries of each member of the commission shall be determined and fixed by a committee of three, which committee shall consist of the chairman of the commission hereby created, the chairman of the Board of County Commissioners of Currituck County, and the chairman of the Board of Education of Currituck County. A vote of any two of the three shall control.

Organization of commission.

Bond of treasurer.

After the appointment of the members of the commission under the provisions of this Act the members of said commission shall meet as soon as reasonably possible and organize by electing one of their members chairman, by electing another vice-chairman, and by electing another secretary and treasurer. It shall be the duty of the secretary and treasurer to receive, hold, and disburse by authority of the commission under the provisions of this Act, all money of the commission; and before handling any money of the commission he shall file with the Board of Commissioners of Currituck County a bond in the sum of five thousand dollars ($5,000.00), conditioned as is provided by law, for the faithful performance of his duties as secretary and treasurer, which bond shall be executed by a bonding company authorized to transact business in the State of North Carolina.

Clerical and legal assistance authorized.

The commission shall have authority to employ or otherwise secure, and to discharge or dispense with, in their discretion, necessary clerical, legal, and other assistance; and all expenses and salaries of the commission shall be borne and paid as hereinafter set out.

Designation of commission.

The commission shall be designated, known, and shall transact business as the "Currituck County Racing Commission" and shall exercise its authority and power both generally and specifically by and under such name.

Authority to grant franchise for construction and operation of course.

SEC. 2. The commission shall have full authority and power to grant to any person, firm, association, or corporation a franchise or privilege, franchises or privileges, for a term of years not exceeding twenty-five years, to construct, lease, maintain, operate, and own, or to exercise either of said privileges, a

race course or driving park or appropriate facilities for pacing, running, and trotting races for horses or dogs, or for both horses and dogs, in the manner herein set forth.

Requirements for obtaining franchise.

(a) No franchise or privilege shall be granted by the commission to any person, firm, association, or corporation unless and until the commission shall be satisfied as to the financial ability and responsibility of such person, firm, association, or corporation to comply with all the reasonable rules and regulations of the commission and to otherwise operate in accordance with such reasonable rules and regulations as the commission may from time to time prescribe; and,

Payment of 10% of gross receipts from racing operations.

(b) In the event such franchise or privilege is granted, the person, firm, association, or corporation shall pay to the commission for each day or part of day during which races or racing is conducted a sum equivalent to ten per cent (10%) of the gross receipts derived from all sources or operations connected with or incident to the operation of such races or racing conducted during such day or part of day. In no event, however, shall the amount to be so paid exceed the amount of five thousand dollars ($5,000.00) per day, but said amount is to be so paid in addition to any tax as may be now or hereafter fixed by law on such gross receipts.

Maximum payment.

Time of payments.

Said payments as specified under this Subsection (b) shall be made every seventh day of any and every race meeting and shall be accompanied by a report under oath showing the total of all of said gross receipts derived from all sources of the operations.

Report of gross receipts.

Allocation of net proceeds of operation.

SEC. 3. From the net proceeds of the operation of the commission herein created a sum equal to fifty per cent (50%) of said net proceeds shall be by the commission allotted and paid to the Currituck County School Fund; a sum equal to twenty-five per cent (25%) thereof shall be allotted and paid to the Currituck County Welfare Fund; and a sum equal to twenty-five per cent (25%) shall be allotted and paid to the Currituck County General Fund.

Construction and operation of racing course.

SEC. 4. If and when the commission shall have granted a franchise or privilege, franchises or privileges, as aforesaid, to any person, firm, association, or corporation to construct, lease, maintain, operate, and own, or to exercise either of said privileges, a race course or driving park or appropriate facilities for pacing, running, and trotting races for horses or dogs, or for both horses and dogs, in the manner herein set forth, the said person, firm, association, or corporation is hereby fully authorized and empowered to legally build, construct, carry on, lease, maintain, operate, and own, or to exercise either of said privileges, such race course or driving park or appropriate facilities for pacing, running, and trotting races for horses or dogs, or for both horses and dogs, on property owned or leased by

such person, firm, association, or corporation to whom such franchise or privilege, franchises or privileges, may be granted. Such person, firm, association, or corporation is hereby expressly granted full authority and power to own or lease, maintain, and operate on the premises aforesaid what are generally known as "Pari Mutuel Machines or Appliances" or "Pari Mutuel Systems" of the kind employed and in use at recognized racing courses in America: *Provided, however,* that said Pari Mutuel Machines and Appliances, or Pari Mutuel Systems, shall be operated only within the enclosure of said race course or driving park or appropriate facilities for the aforesaid operations and only on days or parts of days when races or racing is being therein conducted. And it shall be legal for any and all persons twenty-one (21) years of age legally within the enclosure aforesaid to participate in the operation of or become a patron of said Pari Mutuel Machines and Appliances, or Pari Mutuel Systems.

Pari mutuel machines or appliances authorized.

Regulations as to operation.

Franchise irrevocable during compliance with regulations of commission.

(a) Any franchise or privilege, franchises or privileges, granted by the commission to any person, firm, association, or corporation under the provisions of this Act shall be and remain irrevocable so long as said person, firm, association, or corporation complies with the reasonable terms and provisions of said franchise, or franchises, and complies with such other reasonable rules and regulations as the said commission may promulgate from time to time and as may be set forth in its contracts: *Provided, however,* that no franchise granted to any person, firm, association, or corporation by said commission shall be assigned or transferred to any other person, firm, association, or corporation without the written consent of the commission; nor shall the commission grant a franchise or privilege to more than one person, firm, association, or corporation, it being the intention and purpose that the operations shall be under a single management.

Franchise not transferable without consent of Commission.

Operations under single management.

Regulations of commission.

SEC. 5. The commission to be appointed under the provisions of this Act shall have full authority to adopt such reasonable rules and regulations as it may from time to time deem necessary to properly carry out the intentions of this Act, and any violation of such reasonable rules and regulations of the commission by any person, firm, association, or corporation holding a franchise or by any of its officers, agents, or employees shall be a misdemeanor.

Violations made misdemeanor.

Special election on establishment of commission.

SEC. 6. The Board of Commissioners of Currituck County shall order, and shall do all things proper in connection therewith, a special election to be held as early after the passage and ratification of this Act as is reasonably possible, at which election there shall be submitted to the qualified voters of said county the question as to whether or not the said racing commission shall be created, and at said election those who favor the establishment of said racing commission under the provisions of this

Act shall vote a ballot on which shall be printed or written the words "For Creating the Currituck County Racing Commission", and those who are opposed to the establishment of said racing commission under the provisions of this Act shall vote a ballot on which shall be printed or written the words "Against Creating the Currituck County Racing Commission". Form of ballot.

It shall be the duty of the appropriate governing authorities of Currituck County, as is provided by law in such cases, to name registrars and pollholders and do any other necessary and proper things for the calling, holding, and declaring the results of said election. The registration books shall be open for the registration of voters in such manner, place, and for such period of time as are now prescribed for the holding of county elections; and so far as may be applicable and consistent with this Act, the general election laws shall apply. Conduct of election.

This Act shall be in full force and effect if a majority of the qualified voters who vote at said election shall vote in favor of creating the Currituck County Racing Commission. Otherwise, this Act shall not be in effect. And should the voters at said election fail to vote in favor of creating the Currituck County Racing Commission, then the said governing authorities of the county shall not call and hold another election under this Act until six (6) months have expired from the date of said previous election. Said authorities, however, may call and hold an election at any time and successively call and hold an election under the provisions of this Act at any time after the expiration of six (6) months from a previous election; and if at any election so called and held, a majority of the qualified voters who vote at said election shall vote in favor of establishing the Currituck County Racing Commission, then and in such event this Act shall be in full force and effect. Act effective upon approval by majority of voters. Subsequent election in event of majority vote against commission.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 688 CHAPTER 542

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN TO ADJUST ALL DELINQUENT TAXES FOR THE YEAR 1942 AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

City of New Bern, adjustment of delinquent taxes.

SECTION 1. The Board of Aldermen of the City of New Bern is hereby authorized and empowered to adjust, remit, compromise, or otherwise settle delinquent taxes for the year 1942 and all prior years, regardless of whether an action at law has been instituted to foreclose tax sale certificates in connection therewith.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 700 CHAPTER 543

AN ACT MAKING IT UNLAWFUL TO OPERATE A POOL ROOM OR A BILLIARD PARLOR IN CLARKVILLE TOWNSHIP IN DAVIE COUNTY BETWEEN THE HOURS OF 7:00 A. M. AND 10:00 P. M. ON SUNDAY.

The General Assembly of North Carolina do enact:

Davie County, Clarkville Township, regulation of operation of pool room or billiard parlor on Sunday.

SECTION 1. It shall be unlawful for any person, firm, partnership or corporation to operate or keep open any pool room or billiard parlor in Clarkville Township, Davie County, at any time between the hours of 7:00 A. M. and 10:00 P. M. on any Sunday.

Violations made misdemeanor.

SEC. 2. Violation of any provision of this Act shall constitute a misdemeanor subject to a fine not to exceed fifty dollars ($50.00), or imprisonment for not more than thirty (30) days.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 702 **CHAPTER 544**

AN ACT TO REQUIRE NOTICE OF CANDIDACY IN THE TOWN ELECTIONS IN THE TOWN OF ZEBULON.

The General Assembly of North Carolina do enact:

Town of Zebulon, notice of candidacy for office of mayor or commissioner.

SECTION 1. That all persons desiring to become a candidate for the office of Mayor or Commissioner of the Town of Zebulon shall give notice to the town clerk of such fact by filing with said clerk a notice of candidacy at least seven (7) days prior to said election. The board of commissioners may require each candidate to pay a filing fee in an amount to be determined by the board of commissioners, not in excess of five dollars ($5.00).

Filing fee.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 750 **CHAPTER 545**

AN ACT TO EXTEND THE TIME FOR THE SCOTLAND COUNTY BOARD OF EQUALIZATION AND REVIEW TO COMPLETE ITS WORK IN 1949.

The General Assembly of North Carolina do enact:

Scotland County Board of Equalization and Review, extension of time for completion of duties.

SECTION 1. The Scotland County Board of Equalization and Review shall hold its first meeting on the eleventh Monday following the first day of January, 1949, and it may adjourn from time to time as its duties may require, and it shall be allowed until the thirty-first of July, 1949 to complete its duties as such board of equalization and review.

Method of revaluation, etc.

SEC. 2. The procedure and methods of effecting such revaluation, reassessment and listing shall be governed by the provisions of Chapter 105 of the General Statutes of North Carolina, as amended.

Powers and duties of officials.

SEC. 3. The board of county commissioners, list takers, assessors, board of equalization and review, together with all other officers, personnel and assistants concerned with the revaluation, reassessment, listing and collection of ad valorem taxes are hereby vested with all the powers and charged with all the responsibilities given to such persons or agencies on regular quadrennial assessment years, under the provisions of Chapter 105 of the General Statutes of North Carolina, as amended, in the same manner and to the same extent as if the reassessment, revaluation and listing of taxes provided for in this Act were

being made and carried out in a regular quadrennial assessment year.

Authority of county commissioners.

SEC. 4. In the event the revaluation provided for in this Act can not be completed by the board of equalization and review within the time limit set forth (July 31, 1949), the County Commissioners of Scotland County shall have the authority to make this revaluation when completed apply to the year 1950.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 768 CHAPTER 546

AN ACT TO DIVIDE PENDER COUNTY INTO FIVE DISTRICTS FOR THE PURPOSE OF THE ELECTION OF THE BOARD OF EDUCATION AND TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD OF EDUCATION FROM THREE TO FIVE.

The General Assembly of North Carolina do enact:

Pender County, division of county into districts for election of Board of Education.

SECTION 1. For the purpose of electing its Board of Education, the County of Pender is hereby divided into five districts, as follows:

(1) District 1 shall consist of Burgaw Township.

(2) District 2 shall consist of Holly and Topsail Townships.

(3) District 3 shall consist of Rocky Point, Long Creek and Grady Townships.

(4) District 4 shall consist of Caintuck, Caswell and Columbia Townships.

(5) District 5 shall consist of Union Township.

Nomination of candidates by districts.

SEC. 2. In all primary elections held hereafter for nomination of candidates for members of the Board of Education for Pender County, one candidate from each district of the five districts described in Section 1 of this Act shall be nominated by each political party for member of the Board of Education in Pender County: *Provided, however,* that in any primary election the qualified voters of each district shall vote only for the candidates from such district. Each candidate from each political party who receives a majority of the votes cast in his district shall be declared to be the nominee for his political party from such district.

SEC. 3. The candidates nominated from each district shall be voted on in the general elections held hereafter for the election of members of the Board of Education for Pender County only by the qualified voters of such district, and the candidate from each district who shall receive the highest number of votes cast in such district shall be declared elected to serve as a member of the board of education. Election of members by districts.

SEC. 4. All persons becoming candidates for nomination and election as members of the board of education shall have the qualifications now provided by law and shall be residents of the district in which such persons are candidates. Qualification of candidates.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 778 CHAPTER 547

AN ACT TO AMEND CHAPTER 111 OF THE SESSION LAWS OF 1945 RELATING TO THE BOARD OF EDUCATION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 1 of Chapter 111 of the Session Laws of 1945 is amended by striking out in line 2 of said Section the word and figure "three (3)" and inserting in lieu thereof the word and figure "five (5)". Ch. 111, Session Laws, 1945, amended to increase membership of Board of Education, Currituck County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 791 **CHAPTER 548**

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE COUNTY BOARD OF EDUCATION IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Caswell County, Board of Education.

SECTION 1. The Board of Education of Caswell County shall consist of five members, to be chosen and to serve as hereinafter provided in this Act.

Nomination of candidates by districts.

SEC. 2. In the primary election to be held in Caswell County in 1950, and biennially thereafter, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated, one candidate from each of five districts, which districts are hereby created as follows:

Five districts created.

District No. 1 to consist of Yanceyville Township.

District No. 2 to consist of Milton and Dan River Townships.

District No. 3 to consist of Pelham and Locust Hill Townships.

District No. 4 to consist of Stony Creek and Anderson Townships.

District No. 5 to consist of Hightowers and Leasburg Townships.

Election of members by county at large.

SEC. 3. The names of the persons so nominated by each political party from the respective five districts shall be placed on the official county ballot of Caswell County, with the district from which each candidate is nominated appearing opposite his name, and the candidates so nominated from the respective districts shall be voted upon by the qualified voters of the county at large at the general election to be held in said county in 1950, and biennially thereafter. The candidate from each of the five districts receiving the highest number of votes in the general election shall be declared elected to represent his respective district as a member of the County Board of Education of Caswell County. There shall be no second primary. The members of the board of education elected at the general election in the year 1950 shall qualify by taking the oath of office on or before the first Monday in December next succeeding their election. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty (30) days after their appointment or election, and a failure to qualify within that time shall constitute a vacancy.

Time for qualification for office.

Failure to qualify constitutes vacancy.

Terms of members elected.

SEC. 4. The members of the board elected at the general election in the year 1950 shall hold office for a period of two years from and after the first Monday in December, 1950, and until their successors are chosen and qualified.

Vacancy appointments.

SEC. 5. All vacancies in the membership of the County Board of Education of Caswell County, by reason of death, resignation, or otherwise, shall be filled by action of the county executive committee of the political party of the member causing such vacancy to serve as representative of his respective district for the remainder of the unexpired term of such member, or until his successor is chosen and qualified. If the vacancy to be filled shall have occurred before the primary held in such county, then, in that event, nominations to fill such vacancy shall be made in the manner provided in Section 2 of this Act.

Designation of members pending election.

SEC. 6. The following five persons are hereby declared to constitute the Board of Education of Caswell County; namely: V. M. Stephens; D. W. Wright; D. B. Boone; J. S. Watlington and Clyde N. Barker. The five members named in this Section shall serve from the date of ratification of this Act until the first Monday in December, 1950, or until their successors are chosen and qualified. Thereafter, beginning with the election in December, 1950, all members shall be elected for a term of two years, and the terms provided in this Act shall prevail over any inconsistent provisions of the general law, or of any special Act.

Compensation of members.

SEC. 7. The members of the Board of Education of Caswell County shall be paid out of State school funds a per diem and mileage in accordance with the applicable provisions of general State law.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 795 **CHAPTER 549**

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF JONES COUNTY TO TRANSFER FUNDS FROM THE DEBT SERVICE FUND TO THE CAPITAL OUTLAY OR CURRENT EXPENSE FUND.

Preamble: Jones County; surplus school debt service funds.

WHEREAS, Jones County Board of Education no longer has a school debt and has certain funds in the school debt service fund which are no longer needed in said fund; *Now, therefore,*

The General Assembly of North Carolina do enact:

Transfer of funds authorized.

SECTION 1. The Board of Education of Jones County is hereby authorized to transfer any funds in the school debt service fund to either the school capital outlay fund or the school current expense fund, in its discretion.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 796 CHAPTER 550

AN ACT TO AMEND G. S. 105-327, RELATING TO THE COUNTY BOARD OF EQUALIZATION AND REVIEW, APPLICABLE TO McDOWELL COUNTY ONLY.

The General Assembly of North Carolina do enact:

G. S. 105-327, amended.

SECTION 1. Subsection 5 of G. S. 105-327 is hereby amended by striking out all of said Subsection 5 after the semi-colon appearing in line 5 thereof, and inserting in lieu thereof the following:

County board of equalization and review, time for completion of duties.

"but it shall complete its duties not later than ten (10) days before the date provided by law for fixing the tax rate for the current year."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Act applicable only to McDowell County.

SEC. 3. This Act shall apply to McDowell County only.

SEC. 4. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 816 CHAPTER 551

AN ACT TO VALIDATE THE CONVEYANCE BY BERTIE COUNTY OF THE RIVERSIDE SCHOOL PROPERTY TO THE RIVERSIDE BAPTIST CHURCH.

The General Assembly of North Carolina do enact:

Bertie County, conveyance of Riverside School property validated.

SECTION 1. The sale, deed and conveyance of the Riverside school house and lot, which was abandoned and which Chapter 133 of the Session Laws of 1947 authorized to be conveyed by the County Board of Education of Bertie County to Bertie County for use as a community house, by Bertie County on the first day of November, 1948, to L. G. Finch, Mrs. W. J. Perry

and L. E. Farless, Trustees of the Riverside Baptist Church, for $1,000.00, is hereby ratified and validated.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 817 CHAPTER 552

AN ACT TO VALIDATE TAX LEVIES AND TAX SALES OF THE TOWN OF AULANDER.

The General Assembly of North Carolina do enact:

Town of Aulander, tax levies validated.

SECTION 1. All acts and things done by the Board of Commissioners of the Town of Aulander or done by direction of said board in listing property for taxes and in levying taxes for all years through and including 1948 are hereby ratified and validated.

Tax sales and tax sales certificates validated.

SEC. 2. The advertisements, and sales of lands for failure to pay taxes to the Town of Aulander and all acts and things done by the Board of Commissioners of the Town of Aulander or by the Tax Collector of the Town of Aulander relating to the advertisements and sales of lands for failure to pay taxes to said town for the years 1945, 1946 and 1947 and all tax sales certificates issued for said years are hereby ratified and validated.

Time limitation on actions on tax liens or tax sales certificates.

SEC. 3. No tax lien and no tax sales certificate held by the Town of Aulander, Bertie County, for the years of 1937 to and including the year 1947 shall, for any reason whatsoever, become barred from action thereon or foreclosure thereof before the thirty-first day of December, 1949.

Pending litigation unaffected.

SEC. 3. This Act shall not affect pending litigation.

Partial invalidity clause.

SEC. 4. If any part of this Act shall be declared unconstitutional it shall not affect any other part of the Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 821 **CHAPTER 553**

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF WASHINGTON, NORTH CAROLINA TO ALLOW SPUR TRACK RAILROAD CROSSINGS OR OTHER CROSSINGS OR OBSTRUCTIONS OVER, UNDER, OR ACROSS CERTAIN OF THE PUBLIC STREETS WHERE SAME DO NOT UNREASONABLY INTERFERE WITH THE PUBLIC USE THEREOF.

The General Assembly of North Carolina do enact:

City of Washington, spur railroad or other crossings across public streets authorized.

SECTION 1. That the Board of Aldermen of the City of Washington, North Carolina be and they are hereby authorized in their discretion and upon such terms, conditions, and restrictions as they may deem proper, to grant unto private persons the right to construct spur railroad crossings across the public streets of the City of Washington; other than Main Street, Bridge Street, and Fifth Street, which as they now exist were constructed in part by the North Carolina State Highway Commission and are either links in the highway system or are highway connections; for private use and to allow such other crossings or obstructions over, under, or across the public streets of said city subject to the exceptions above set out for private uses; *provided however* that in no case shall such authority be given where said crossings or obstructions unreasonably interfere with the right of the public to the use of said streets. The reasonableness or unreasonableness of the interference with the rights of the public in said streets by any proposed crossings or other obstruction may be determined at the instance of any interested citizen by the courts.

Streets excepted.

Unreasonable interference with public use.

Application of Act.

SEC. 2. This Act shall apply only to the City of Washington, North Carolina.

Conflicting laws repealed.

SEC. 3. All laws or clauses of laws in conflict herewith are repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 822 **CHAPTER 554**

AN ACT TO REPEAL CHAPTER 270 OF THE PUBLIC-LOCAL LAWS OF 1931 RELATING TO THE TAXATION OF FAIR ASSOCIATIONS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 270 of the Public-Local Laws of 1931 is repealed. Ch. 270, Public Local Laws, 1931, repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 825 **CHAPTER 555**

AN ACT FIXING THE POPULATION OF THE TOWN OF JACKSONVILLE, ONSLOW COUNTY, N. C., AT THE FIGURE DETERMINED BY AN OFFICIAL INTERIM FEDERAL CENSUS MADE IN SAID TOWN.

WHEREAS, the Town of Jacksonville, Onslow County, N. C., has increased its population since the 1940 Federal census from some 900 to 2,826; and Preamble: Town of Jacksonville, increase of population since 1940 census.

WHEREAS, the United States Department of Commerce, through its Bureau of the Census, has caused to be made an official interim census in said town; and U. S. official interim census.

WHEREAS, recent surveys made show that said population has almost doubled since the said interim Federal census; and Further increase.

WHEREAS, it is advantageous to said town that its population be recognized by the State of North Carolina, and the several departments and agencies as that determined by the said Federal official interim Federal census: *Now, therefore,* Recognition of increased population advantageous.

The General Assembly of North Carolina do enact:

SECTION 1. The population of the Town of Jacksonville, Onslow County, N. C., is fixed at the number determined by the official interim census made by the Bureau of the Census of the United States Department of Commerce, to-wit: 2,826 and that the said population certified to by said bureau shall be that determined by said bureau until later changed by an official Federal census, and said Town of Jacksonville shall have all the rights, privileges and powers the same as if said popula- Town of Jacksonville, population of town fixed at number determined by official interim census.

tion had been determined at the 1940 United States official Federal census.

Construction of G. S. references to Federal census, Town of Jacksonville.

SEC. 2. That in so far as they relate to or affect the Town of Jacksonville, the several Sections of the General Statutes referring to any kind of Federal census shall be construed as being the last interim official census made by the Bureau of the Census of the United States Department of Commerce until changed by a later official United States census.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 830 **CHAPTER 556**

AN ACT TO VALIDATE THE OFFICIAL ACTS OF R. B. TURNER, A JUSTICE OF THE PEACE OF BAKERSVILLE TOWNSHIP AND W. L. McNEILL, A JUSTICE OF THE PEACE OF GRASSY CREEK TOWNSHIP, OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Mitchell County, official acts of R. B. Turner and W. L. McNeill, Justices of Peace, validated.

SECTION 1. That each and all of the official acts of R. B. Turner, a Justice of the Peace of Bakersville Township in Mitchell County, and W. L. McNeill, a Justice of the Peace in Grassy Creek Township in Mitchell County, performed after April 1, 1947 and prior to April 1, 1949 under color of their offices, are hereby in all respects validated, ratified and confirmed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 832 **CHAPTER 557**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY TO EMPLOY AN ADDITIONAL DEPUTY SHERIFF AND AN ADDITIONAL ASSISTANT TO THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Union County, additional deputy sheriff authorized.

SECTION 1. The Board of County Commissioners of Union County is hereby authorized and empowered, in its discretion, to employ an additional deputy sheriff, said deputy sheriff to be in addition to any other deputies which the county commissioners are now authorized to employ.

Compensation.

SEC. 2. The Board of County Commissioners of Union County is hereby authorized and empowered, in its discretion, to pay said additional deputy sheriff such compensation as said Board of County Commissioners of Union County may, in its discretion, fix, *provided,* such compensation shall not exceed twenty-four hundred dollars ($2400.00) annually, and shall be paid in twelve equal monthly installments out of the general funds of the county.

Clerk Superior Court, additional assistant to clerk, authorized.

SEC. 3. The Board of County Commissioners of Union County is hereby authorized and empowered, in its discretion, to employ an additional assistant to the Clerk of the Superior Court of Union County, said assistant to be in addition to any other assistants which the county commissioners are now authorized by law to employ.

Compensation.

SEC. 4. The Board of County Commissioners of Union County is hereby authorized and empowered, in its discretion, to pay said additional assistant such compensation as the Board of County Commissioners of Union County may, in its discretion, fix, *provided,* such compensation shall not exceed eighteen hundred dollars ($1800.00) annually, and shall be paid in twelve equal monthly installments out of the general funds of the county.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 833 **CHAPTER 558**

AN ACT FOR THE RELIEF OF THE CLERK OF THE SUPERIOR COURT OF UNION COUNTY FOR MONEY NECESSARILY EXPENDED BY HIM FOR CLERICAL ASSISTANCE IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Union County, reimbursement to Clerk Superior Court for sum expended for clerical assistance.

SECTION 1. The Board of County Commissioners of Union County is hereby authorized, empowered and directed to pay to the Clerk of the Superior Court of said county the sum of four hundred dollars ($400), said sum having been personally necessarily expended by the Clerk of Superior Court in the year 1948 for clerical assistance for work which was required to be done in the office of the Clerk of the Superior Court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 837 **CHAPTER 559**

AN ACT TO AMEND CHAPTER TWO HUNDRED NINETY-THREE OF THE PUBLIC-LOCAL AND PRIVATE LAWS ONE THOUSAND NINE HUNDRED FORTY-ONE, AS AMENDED BY CHAPTER TWO HUNDRED NINETY-THREE OF THE 1945 SESSION LAWS OF NORTH CAROLINA, RELATING TO THE ESTABLISHMENT OF A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF THE MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Ch. 293, Public-Local Laws, 1941, as to High Point Firemen's Pension and Disability Fund, amended.

SECTION 1. That Section 1, Subsection (b), of Chapter 293 of the Public-Local and Private Laws of North Carolina, Session 1941, as amended by Chapter 293 of the 1945 Session Laws of North Carolina, be amended by striking out the period at the end of said Subsection and inserting in lieu thereof a semicolon, and by adding the following thereto:

Contributions by city to fund.

"*Provided, further*, that, until such time as the contributions by the City of High Point to the High Point Firemen's Pension and Disability Fund under any other said pension plan hereafter established equal or exceed three per cent (3%) of the salary of each member of the fire department, the Governing Body

of the City of High Point may, at any time it sees fit, contribute to the High Point Firemen's Pension and Disability Fund on behalf of each employee of the fire department an amount not in excess of three per cent (3%) of the salary of said employee.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 843 CHAPTER 560

AN ACT TO AMEND CHAPTER 366, PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, THE SAME BEING THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 366, Public-Local Laws of 1939, as amended, be further amended in the following respects: Ch. 366, Public-Local Laws, 1939, charter of City of Charlotte, amended.

(a) In Section 32 (16), by changing the period at the end thereof to a semicolon, and adding "to prohibit the construction of buildings designed or intended to be used for human habitation upon property subject to periodic surface flooding." Construction regulations.

(b) In Section 32 (41) thereof, add at the end, a new sentence, reading: "The city may continue to pay group insurance on any of its employees who may retire under any retirement system of which the city is a member, or, which the city may hereafter establish, as is provided under its group insurance policy, when such employee or employees, at the time of their retirement, are insured under such group insurance policy." Retirement system.

(c) In Section 32 thereof, add a new Subsection, being numbered (42) reading as follows: "To provide that no individual, corporation, association or partnership, shall within the City of Charlotte or within one mile of its city limits, open or lay out new public streets without first having had a plat of such proposed street or streets made and submitted to the city council of said city, and approved and accepted by said city council. Said city council may pass all necessary ordinances to regulate and control the opening of streets and alleys in said territory." Regulation of opening of new public streets.

(d) In Section 36 thereof, amend the same by striking out sub-paragraph (6) in its entirety, and renumber subsequent Sections accordingly. Sec. 36, duties of city clerk, amended.

Sec. 52, permanent improvements, amended.

(e) Amend Section 52 (1) thereof by adding after the word "Clerk", as the same was amended in 1947, the following: "Should one or more of such appraisers die before the making of the report after the improvements have been completed, such report may be made by the survivors of such appraisers."

(2) By adding after the words "within fifteen days thereafter" —"after advertisement thereof at least once in a newspaper of general circulation in the City of Charlotte."

(3) By striking out in the permanent paving district of the City of Charlotte the words "Brevard Street", and substituting in lieu thereof, "McDowell Street and its continuation"; and further, by striking out the words "Stonewall Street and its continuation", and substituting in lieu thereof "Morehead Street."

Sec. 64, contracts and purchases by city, rewritten.

(f) By striking out Section 64 thereof in its entirety, and substituting a new Section, reading as follows:

Laws applicable.

"SEC. 64. All purchases and contracts made by the City of Charlotte shall be let, made and executed according to the General Laws of North Carolina applicable thereto, as the same may now or hereafter be enacted; *provided, however:*

Bids on materials and services.

(1) The city may, in connection with bids on materials and services, accept a certified check drawn on, or the official check of any bank qualified to do business in North Carolina, or a United States money order, or a bid bond, issued by any insurance company authorized to do business in North Carolina.

Contracts under $1,000.00.

(2) That, contracts of the City of Charlotte involving more than one thousand dollars ($1,000.00) shall be in writing, and Chapter 160, Article 19, Part 4, Section 279, of the General Statutes of North Carolina, shall only govern and control contracts of the City of Charlotte in excess of one thousand dollars ($1,000.00).

Contracts in excess of $1,000.00.

Advertisement for bids.

(3) That, the city may informally let contracts in connection with all of its purchases in the amount of less than two thousand dollars ($2,000.00), and shall not be required to advertise such contracts; but, except as herein provided, the provisions of General Statutes of North Carolina 143-129, as to advertisement and the informal letting of contracts under 143-131, shall be applicable to the city.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 858 CHAPTER 561

AN ACT RELATING TO THE REGULATION OF CERTAIN GAMES IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1, Chapter 650, Public Laws of 1945 be amended by adding after the words "Mecklenburg County", the following:

Ch. 650, Session Laws, 1945, regulating game of Bingo, amended to apply to Edgecombe, Pitt and Guilford Counties.

"Edgecombe County, Pitt County, and Guilford County".

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 860 CHAPTER 562

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF GREENVILLE AND THE GOVERNING BODY OF THE GREENVILLE UTILITIES COMMISSION TO SUPPLEMENT THE RETIREMENT BENEFIT RECEIVED BY CERTAIN EMPLOYEES EMPLOYED BY THE CITY OF GREENVILLE AND THE GREENVILLE UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. The Governing Body of the City of Greenville and the governing body of the Greenville Utilities Commission are hereby authorized to appropriate funds for the purpose of supplementing the retirement benefit granted to any employee by the trustees of the Local Governmental Employees' Retirement System or the trustees of the Law Enforcement Benefit and Retirement Fund in such amount as is necessary to provide an annual retirement benefit for such employee that will be equal to 50% of the average salary paid said employee during the period of the last five years immediately preceding his retirement, *provided:*

City of Greenville and Greenville Utilities Commission, appropriations to supplement retirement benefits of certain employees.

Conditions of supplement.

1. That such employee shall have been employed by the City of Greenville or the Greenville Utilities Commission for a period of twenty-five years or more.

Period of employment.

2. Is a member in good standing of either the North Carolina Local Governmental Employees' Retirement System, or the Law Enforcement Benefit and Retirement Fund, and is at the time

Eligibility for retirement.

of the appropriation receiving or eligible to receive retirement benefits from one of the retirement funds herein mentioned.

Agreement as to retirement.

3. That the Governing Body of the City of Greenville and the Greenville Utilities Commission shall agree as to the retirement of the particular employee.

Person retired subject to recall.

4. That the person so retired shall hold himself subject to call for further employment in case of an emergency, or in an advisory capacity, if his services shall be necessary to the City of Greenville or the Greenville Utilities Commission, except in case of total disability the employee shall not be subject to recall by the City of Greenville or the Greenville Utilities Commission.

Budget of appropriated funds.

5. All funds appropriated by virtue of this Act shall be budgeted in the same manner as other funds and shall be paid monthly.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 869 CHAPTER 563

AN ACT TO SUBMIT TO THE VOTERS OF THE TOWN OF DUNN THE QUESTION OF ADOPTING THE CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Town of Dunn, election on proposed amendment to town charter.

SECTION 1. At the regular municipal election to be held in the Town of Dunn on May 3, 1949, there shall be submitted to the qualified voters of the Town of Dunn the following amendment to the town charter:

Appointment of city manager.

"The board of commissioners shall appoint a city manager who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the board of commissioners and shall receive such compensation as it shall fix by ordinance.

Powers and duties of city manager.

"The city manager so appointed shall have all the powers and duties as are now or may hereafter be prescribed for city managers under the "Plan D" form of city government as set out in the General Statutes of North Carolina."

SEC. 2. The question of the adoption of this amendment shall be submitted to the voters of the Town of Dunn at the said election, at which election all those in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or the words written, "For amendment providing for City Manager", and all those who oppose the adoption of the amendment shall vote a ballot upon which shall be printed or the words written, "Against amendment providing for City Manager". If in said election a majority of the votes cast shall be "For amendment providing for City Manager", the amendment as prescribed in Section 1 of this Act shall be adopted and shall become a part of the Charter of the Town of Dunn. But if a majority of the votes cast shall be "Against amendment providing for City Manager", such amendment shall not become a part of the Charter of the Town of Dunn.

Issue submitted at election.

Form of ballot.

Act subject to approval by voters.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 877 CHAPTER 564

AN ACT TO AMEND CHAPTER 245 OF THE SESSION LAWS OF 1947, RELATING TO THE NOMINATION OF CANDIDATES FOR MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 245 of the Session Laws of 1947 is hereby amended by striking out the words "the entire county" in line 7, and inserting in lieu thereof the words "each district"; said Section is further amended by inserting the word "only" between the words "vote" and "for" as the same appear in line 7; said Section is further amended by striking out the words "all five districts" in line 8, and inserting in lieu thereof the words "such district"; and said Section is further amended by striking out the words "for candidates from" in line 10, and inserting in lieu thereof the word "in".

Ch. 245, Session Laws, 1947, amended as to nomination of candidates for Board of Commissioners, Pender County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 881 CHAPTER 565

AN ACT TO PROPERLY DESIGNATE THE STREAM WHICH SERVES AS A BOUNDARY BETWEEN HOKE AND SCOTLAND COUNTIES AS THE "LUMBER RIVER".

Preamble: Designation of boundary stream between Hoke and Scotland Counties.

WHEREAS, the stream shown on the North Carolina State Highway and Public Works Commission map of Hoke County, designated as "Drowning Creek", is designated as the "Lumber River" on the North Carolina State Highway and Public Works Commission map of Scotland County; and

Popular name.

WHEREAS, said stream is more popularly known in both Hoke and Scotland Counties as the "Lumber River"; and

Necessity for uniform designation.

WHEREAS, said stream constitutes a boundary between Hoke and Scotland Counties and it is, therefore, important that such boundary stream have a single and uniform designation: *Now, therefore,*

The General Assembly of North Carolina do enact:

Designation of stream as "Lumber River."

SECTION 1. The stream which constitutes the boundary between the Counties of Hoke and Scotland, shown on the North Carolina State Highway and Public Works Commission map of Hoke County as "Drowning Creek" and shown on the North Carolina State Highway and Public Works Commission map of Scotland County as "Lumber River" is hereby designated and named the "Lumber River".

Designation on official maps.

SEC. 2. The stream hereinbefore described and by this Act designated as the "Lumber River" shall hereafter be designated as the "Lumber River" on all official maps of territory embracing said stream issued by any bureau, commission, institution or agency of the State government except when a different name is used for historical or other proper purposes to indicate the designation of this stream as it may have been designated prior to the ratification of this Act.

Removal and replacement of improperly designated highway signs.

SEC. 3. The North Carolina State Highway and Public Works Commission is hereby authorized and directed to remove from all approaches to the stream hereinbefore described all of its highway signs which now designate said stream as "Drowning Creek" and to replace said signs with signs properly designating said stream as the "Lumber River".

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

H. B. 883 **CHAPTER 566**

AN ACT AUTHORIZING THE REPRODUCTION OF CERTAIN PUBLIC RECORDS OF FORSYTH COUNTY BY PHOTOSTATING, PHOTOGRAPHING, OR MICROPHOTOGRAPHING; PROVIDING FOR THE ADMISSIBILITY IN EVIDENCE OF SAME AND FOR THE DISPOSAL, DESTRUCTION OR ARCHIVAL STORAGE OF CERTAIN INACTIVE RECORDS OF THE CLERK OF THE SUPERIOR COURT AND OTHER OFFICES OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Forsyth County, photographing or microphotographing of public records, authorized.

SECTION 1. The Board of Commissioners of Forsyth County is hereby authorized and empowered to purchase, lease, rent, contract for or otherwise acquire the necessary equipment, supplies and services for the photostating, photographing or microphotographing of instruments, documents, or papers filed for docketing or for record, or which have heretofore been filed, docketed, or recorded in the offices of the Clerk of Superior Court, the register of deeds, and other county offices, and the filing, docketing and recording of such public or official records of photostating, photographing or microphotographing shall in all respects constitute a sufficient filing, docketing and recording of same in the same manner as if such reproductions were originals.

Reproductions deemed original record.

Reproduction of records only by equipment or system provided.

SEC. 2. An official, person in charge of, or head of any office, or department, or board of the Forsyth County government may, with the consent of the board of county commissioners cause any or all papers, documents, books and records kept by such official person in charge of, or head of any department or board to be photostated, photographed or microphotographed or reproduced on film by the use only of such equipment and or system as provided by the board of commissioners. Such film or reproducing material shall be of durable material, and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details. The board of commissioners shall provide for the preservation of such films in conveniently accessible files or vaults, of fire resisting material, in order that the films may be permanently kept, and shall permit the use of such films from which to make copies, as provided by law under such regulations as the board may prescribe.

Films or material for reproduction.

Preservation of films.

Copies of film.

Film deemed to be original record.

Admissibility as evidence.

SEC. 3. Such photostatic copy, photograph, microphotograph or photographic film of the original papers, documents, books and records kept and on file shall be deemed to be an original file or record for all purposes, and shall be admissible in evidence in all courts or administrative agencies of this State. A facsimile, photostatic copy, certified or exemplified copy thereof shall, for all purposes recited herein, be deemed to be a photo-

static copy, certified or exemplified copy of the original papers or records as if said papers had been typed or written in long hand in the records.

Provision for destruction of original papers.

SEC. 4. That whenever an official, person in charge of, or head of any office or department, or board of the Forsyth County government shall have photographed, photostated or microphotographed all or any part of the papers on file or any records kept by said official person in a manner and on film that complies with the provisions of this Act, and said reproductions are placed in conveniently accessible files and provisions made for preserving, examining and using same, as herein set out, and said official being of the opinion that said inactive papers, documents, books and records kept and on file in the office of Clerk of Superior Court, the register of deeds, or any of the county offices are consuming valuable space, and have no historical value, may destroy or otherwise dispose of said original papers, documents, books and records upon a resolution being adopted by the board of county commissioners giving authority therefor, and when entered in the minutes of said board, and with the consent of the North Carolina State Department of Archives and History, or its successor; *provided*, that said official person shall first furnish the State Department of Archives and History a complete explanation of the kind and type of papers, documents, books and public records intended to be destroyed or otherwise disposed of and turn over to the Department of Archives and History all or any of such papers, documents, books and records as the department may desire to have. In the event that the Department of Archives and History, or its successor, shall fail to notify said official person of the Forsyth County government within ninety (90) days after receiving an explanation of the kind and type of papers, documents, books and public records intended to be destroyed or otherwise disposed of, of its action thereon, then such failure to notify said official person shall in all respects be deemed a consent by the State Department of Archives and History for the destruction or other disposal of said papers, documents, books and public records.

Consent of county commissioners and State Department of Archives and History to destruction.

Notice to Department of Archives and History.

Failure of Department to give notice of its action deemed consent.

Execution of contracts or agreements to carry out provisions of Act.

SEC. 5. In order to provide for the services herein set forth, the Board of Commissioners of Forsyth County may execute such contracts or agreements thereof as in its opinion will promote efficiency and economy in the county government, in the carrying out of the purposes of this Act.

Application of Act.

SEC. 6. This Act shall apply only to Forsyth County.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this matter are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1949.

S. B. 231

CHAPTER 567

AN ACT AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF CONCORD TO ADOPT A SYSTEM OF PERMANENT STREET IMPROVEMENT AND TO PROVIDE FOR THE FINANCING THEREOF.

The General Assembly of North Carolina do enact:

City of Concord, adoption of system of permanent street improvement authorized.

SECTION 1. The Board of Aldermen of the City of Concord shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets for permanent improvement, and of equalizing assessments on real estate to pay the cost of such improvements as may be just and proper; and in order to more fully carry out the duties imposed by the provisions of this Act for more permanent improvement of all streets, said board of aldermen shall have the power to pass an ordinance assessing forty per cent (40%) of the cost of paving the streets with bitulithic, asphalt, vitrified brick, tarvia, or other permanent paving on the real estate abutting on one side of said street, or portion thereof so laid out and improved and forty per cent (40%) on the real estate abutting on the other side of said street, or portion so laid out and improved, and it shall be incumbent on the owners of the real estate abutting on each side of the street, or part thereof so laid out and improved, to pay the amount so assessed for such improvement, and said assessment shall constitute a lien on the lot or lots of said landowners abutting on the street; *provided*, that the City of Concord shall, out of the general funds, pay the remainder of said cost, and for all street intersections so paved except that portion of such street and intersections occupied or used by any street railway, which must be assessed and paid by the owners and operators thereof.

Assessment of portion of cost against adjoining property owners.

Assessment to constitute lien on property.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 237 **CHAPTER 568**

AN ACT TO AMEND SECTION 9-3 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO JURORS.

The General Assembly of North Carolina do enact:

G. S. 9-3, amended as to drawing jury panel, Guilford County Superior Court.

SECTION 1. That Section 9-3 of the General Statutes of North Carolina be amended so as to permit the board of county commissioners of any county to cause to be drawn as many jurors for each week of any term of the Superior Court of said county as to said board seems wise; *provided* that such number shall not exceed fifty.

Application of Act.

SEC. 2. That this Act shall apply to Guilford County only.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 260 **CHAPTER 569**

AN ACT TO FURTHER PROTECT THE VOTERS OF ROANOKE RAPIDS TOWNSHIP, IN HALIFAX COUNTY, NORTH CAROLINA, AND THE SEVERAL GOVERNMENTAL SUBDIVISIONS THEREOF, BY PROVIDING A PERIOD OF TIME IN ADDITION TO THAT NOW ALLOWED BY LAW IN WHICH TO REGISTER FOR PARTICIPATION IN VARIOUS ELECTIONS HELD IN THE VARIOUS GOVERNMENTAL SUBDIVISIONS OF SAID TOWNSHIP.

Preamble: Roanoke Rapids Township, registration requirements for voting.

WHEREAS, in Roanoke Rapids Township, there are four sets of registration books on which voters are required to register in order to participate in all elections in said township, which said voting units consist of voters residing in the City of Roanoke Rapids, the Roanoke Rapids Graded School District, the Roanoke Rapids Sanitary District, and State, County and National elections; and

Confusion resulting as to registration.

WHEREAS, because of the large number of said voting districts, a great deal of confusion has resulted in the minds of the voters in reference to their being properly registered on all of said books, and quite often voters have been denied the right to vote because of some misunderstanding as to whether or not they were properly registered; and

WHEREAS, it is the intention of this Act to further protect the rights of the voters residing in Roanoke Rapids Township and the various voting units thereof by providing, in addition to the regular registration periods now provided by law, a special registration of all voters entitled to vote in said elections: *Now, therefore,*

Intent of Act to protect rights of voters.

The General Assembly of North Carolina do enact:

SECTION 1. A special registration period is hereby ordered to be held in Roanoke Rapids Township for the purpose of enabling voters entitled to participate in elections held within the City of Roanoke Rapids, the Roanoke Rapids Graded School District, the Roanoke Rapids Sanitary District, and in State, County and National elections; and to that end, the Chairman of the Board of Elections of Halifax County, the Mayor of the City of Roanoke Rapids, the Chairman of the Board of Trustees of the Roanoke Rapids Graded School District, and the Chairman of the Roanoke Rapids Sanitary District Board are hereby appointed and shall constitute a special registration board to carry out the intent and purposes of this Act. On or before the thirtieth of March, 1949, the board herein appointed shall meet in the municipal courtroom in the Municipal Building in the City of Roanoke Rapids, North Carolina, and organize by electing from their number a chairman and a secretary. Three members of the board shall constitute a quorum, and the first meeting may be called by any member of the board by giving the other members seven days' notice by mail.

Roanoke Rapids Township, special registration period ordered.

Special registration board.

Organization of board.

Quorum.

SEC. 2. The special registration period provided hereunder shall commence on the first day of June, 1949, and shall end on the thirtieth day of July, 1949, and shall be governed, as near as practicable, by such general and special laws as now pertain to the registration of voters within the voting units hereinabove specified.

Time of special registration period.

SEC. 3. The registration board herein provided for shall cause to be placed in the hands of a registrar or registrars to be appointed by them, for the purposes of carrying out the provisions of this Act, all existing registration books now used for the purpose of holding elections within the voting units hereinabove set out. Said registration books shall be kept open from 9:00 o'clock A. M. to 12:00 o'clock Noon and from 1:00 o'clock P. M. to 5:00 o'clock P. M. on each day of said registration, Sundays excluded. The place of registration shall be the Municipal Building of the City of Roanoke Rapids. Compensation to the registrars for their services shall be paid by the various governmental units participating in this registration at the rate now provided by law, except that said registrars shall be paid such per diem compensation as said registration board may determine as being reasonable, and shall be paid in the proportion of one-fourth each by the City of Roanoke Rapids, the Roanoke

Delivery of registration books to appointed registrars.

Period during which registration books to be open.

Place of registration.

Compensation of registrars.

Rapids Graded School District, the Roanoke Rapids Sanitary District, and the County of Halifax. The amounts to be paid per name for registering voters shall be the same as that now allowed by law and shall be charged against and paid by the governmental unit on which books the names of the voters have been registered.

Purpose of Act.

SEC. 4. The names of all voters now appearing on said registration books shall remain thereon as heretofore, it being the express purpose of this Act to expressly grant to the voters in Roanoke Rapids Township, Halifax County, North Carolina, an additional period of time in which to register upon the books whereon their names do not now appear, and not to require the new registration of any voter now duly registered upon the registration books on any or all of said governmental units.

Notice of opening of registration books.

Publication of notice.

SEC. 5. Twenty days' notice of the opening of the registration books as provided in this Act shall be given by the board by publishing the following notice once a week for three weeks in a newspaper published in Halifax County or having general circulation therein:

Form of notice.

"Attention all Voters of Roanoke Rapids Township.

"For the purpose of enabling all persons qualified to vote in either or all of the elections held in Roanoke Rapids Township, who are not now registered, or if registered in the wrong precinct or ward, to change their voting precinct or ward to the one in which they are now living.

"A special registration period, in addition to all registration periods now allowed by law, was granted by the 1949 General Assembly which gives you the right, if you are entitled thereto, to register for voting on any or all of the primary and election registration books of the following: (1) The City of Roanoke Rapids; (2) The Roanoke Rapids Graded School District; (3) The Roanoke Rapids Sanitary District; and (4) The Roanoke Rapids Precinct Nos. 1, 2, 3 and 4 located in Roanoke Rapids Township, Halifax County, North Carolina.

"All registration books of the four election districts, wards or precincts will be in the hands of the registrar(s) at the Municipal Building in the City of Roanoke Rapids, North Carolina, from the first of June, 1949, to and including the thirty-first of July, 1949. The registrar(s) will be present each day, Sundays excluded, between the hours of 9:00 o'clock A. M. until 12:00 o'clock Noon and from 1:00 o'clock P. M. to 5:00 o'clock P. M. during this special registration period.

"This is your first chance to register for voting at the same time on all of the registration books which you are entitled to register upon.

"If you know that you are registered, then you need not check up on your registration. Form of notice (cont'd).

"If you know you are not registered, this is your opportunity to register for future voting.

"If you are in doubt about your registration on all books upon which you are entitled to register, then go to the municipal building and check with the registrar. He will be glad to help you register, if you are not registered, so that you may go to the polls the next time an election is held and vote your honest convictions."

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 265 CHAPTER 570

AN ACT TO VALIDATE AND CONFIRM THE TRANSFER OR ALLOCATION OF $100,000 OF THE PROCEEDS FROM THE SALE OF SAID $750,000 IN BONDS AUTHORIZED IN AN ELECTION HELD IN WAYNE COUNTY IN APRIL, 1946, FROM THE PROJECT OF REMODELING AND ENLARGING THE OLD MOUNT OLIVE ELEMENTARY SCHOOL IN THE WAYNE COUNTY ADMINISTRATIVE UNIT TO THE CONSTRUCTION OF A NEW ELEMENTARY SCHOOL PLANT ON WOOTEN STREET IN THE TOWN OF MOUNT OLIVE, NORTH CAROLINA, WHICH IS LOCATED IN THE WAYNE COUNTY ADMINISTRATIVE UNIT.

WHEREAS, at an election held in Wayne County on the twenty-third day of April, 1946, authority was given to issue $750,000 in bonds to be expended for the purpose of improving and enlarging the public school buildings and other facilities in the Wayne County Administrative Unit, and in the Fremont City Administrative Unit (a charter district) and in the Goldsboro City Administrative Unit (a charter district); and Preamble: Authorized bond issue for school purposes, Wayne County.

WHEREAS, there was allocated and assigned to the Wayne County Administrative Unit out of the proceeds of said bonds the sum of $100,000 which were then allocated to be expended in the remodeling and enlarging of the old Mount Olive Elementary School located on Breazle Street in the Town of Mount Allocation of bond proceeds for remodeling Mount Olive Elementary School.

Olive which is a part of the Wayne County Administrative Unit; and

Deemed best to use proceeds for construction of new school.

WHEREAS, since said bond election was held on the twenty-third of April, 1946, it has been ascertained that the said $100,000 could best be spent by the construction of a new Mount Olive Elementary School on Wooten Street, as it would be too expensive to make the old Mount Olive Elementary School fireproof and add the additional space needed for the elementary school for the said $100,000; and that the present location of the old Mount Olive Elementary School does not have adequate playground facilities and that it is located on the main highway passing through the Town of Mount Olive; and

Resolution of County Commissioners that proceeds should be expended for new school.

WHEREAS, the Board of Commissioners of Wayne County has, at the request of the Wayne County Board of Education, made a study and investigation of the situation and has determined that the said $100,000 should be expended for the construction of a new elementary school plant on Wooten Street on property adjoining the Mount Olive High School grounds; and

Reallocation of proceeds for construction of new school.

WHEREAS, at a regular meeting of the Board of Commissioners of Wayne County held in Goldsboro, North Carolina, on Monday, March 7, 1949, a motion was made, seconded and unanimously carried "that the $100,000 assigned to the Wayne County Administrative Unit by an election on April 23, 1946, to be expended upon the remodeling and enlarging of the white elementary school in Mount Olive be allocated or reallocated from the project of remodeling and enlarging the white Mount Olive Elementary School to the project of constructing a new elementary school plant on Wooten Street in the western section of the Town of Mount Olive, and that such allocation or reallocation of such funds be and the same is hereby declared to be necessary to make reasonable and adequate provision for the constitutional school term in the Town of Mount Olive in accord with the over-all purpose set forth in the bond order adopted in connection with the election authorizing the issue of said $750,000 in bonds on April 23, 1946": *Now, therefore,*

The General Assembly of North Carolina do enact:

Wayne County, transfer of funds from remodeling project to construction of new school, validated.

SECTION 1. That the action of the Board of Commissioners of Wayne County at a meeting held in Goldsboro, North Carolina, on March 7, 1949, in transferring or allocating the sum of $100,000 out of the funds arising from the sale of $750,000 in bonds authorized at a bond election held in Wayne County on the twenty-third of April, 1946, from the project of remodeling and enlarging the old Mount Olive Elementary School in the Wayne County Administrative Unit to the construction of a new Mount Olive Elementary School plant on Wooten Street in the Town of Mount Olive, North Carolina, on property adjoining the Mount Olive High School grounds be and the same

is hereby validated and confirmed and declared to be in accord with and embraced in the purpose for which said bonds were authorized and issued.

SEC. 2. That this Act shall be in full force and effect from and after its ratification. Effective date.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 267 **CHAPTER 571**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF LEAKSVILLE TO CONVEY THE LEAKSVILLE LIBRARY BUILDING AND THE PROPERTY ON WHICH IT IS SITUATED TO ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of the Town of Leaksville is hereby authorized and empowered to convey at private sale, without consideration or upon such consideration as to it may seem just and proper, the Leaksville Library building and the property on which it is situated, located on the West side of Boone Road in the Town of Leaksville, to Rockingham County to be used by said county as the headquarters of the Rockingham County Library Association. The conveyance of said property shall contain a limitation to the effect that title to said property shall remain in said county so long as the property is used as the headquarters for the Rockingham County Library Association, and if the property shall cease to be used for such purpose the same shall, by the limitation in said conveyance and by this Act, automatically revert to the Town of Leaksville to be used by said town as it sees fit. Town of Leaksville, conveyance of certain property to Rockingham County authorized. Reversionary provision.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 278 CHAPTER 572

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF STATESVILLE TO SELL CERTAIN POWER LINES BELONGING TO THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

City of Statesville, sale of certain power lines and rights of way belonging to city, authorized.

SECTION 1. The Board of Aldermen of the City of Statesville shall have the power to sell at public or private sale, either to the highest bidder or upon sealed bids, any power lines and right of ways lying outside of the corporate limits of the City of Statesville and now owned by the City of Statesville and apply the proceeds as said board of aldermen in its discretion may deem for the best interest of the City of Statesville; *provided*, that the Board of Aldermen of the City of Statesville shall have first determined by resolution that such power lines are surplus and not needed to serve the residents of the City of Statesville.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 279 CHAPTER 573

AN ACT TO AMEND CHAPTER 675 OF THE SESSION LAWS OF 1947 RELATING TO THE USE OF FUNDS DERIVED FROM PARKING METERS IN THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

Ch. 675, Session Laws, 1947, amended.

SECTION 1. That Section 2 of Chapter 675 of the Session Laws of 1947 be, and the same is hereby, amended to read as follows:

City of Statesville, use of proceeds from parking meters.

"SEC. 2. The proceeds derived from the use of such parking meters in the City of Statesville shall be set up and maintained in a special account and fund, and one-half of such proceeds may be used for the establishment and maintenance of such parking meters and for making such regulation effective or for any other purpose in the discretion of the Board of Aldermen of the City of Statesville; the remaining one-half of such proceeds shall be used for the establishment, maintenance and operation of any and all recreational facilities of the City of Statesville,

including playgrounds, recreation centers and the acquisition of lands or buildings for such purposes."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 280 **CHAPTER 574**

AN ACT TO AMEND CHAPTER 1002 OF THE SESSION LAWS OF 1947 RELATIVE TO THE CHARTER OF THE CITY OF STATESVILLE, IREDELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 2 of Chapter 1002 of the Session Laws of 1947 be, and the same is hereby, amended to read as follows: Ch. 1002, Session Laws, 1947, amended.

"SEC. 2. (1) That there is hereby created a Civil Service Board for the City of Statesville, Iredell County, North Carolina to consist of three members who shall be appointed and hold office as hereinafter provided. City of Statesville, creation of Civil Service Board.

(2) The original board shall consist of: James A. Brady, who shall serve for a term of three years; C. B. Myers, who shall serve for a term of two years; and Harry Gatton, who shall serve for a term of one year, or until their respective successors are duly appointed and qualified. Designation of members of original board; terms.

(3) At the expiration of the term of each member herein appointed his successor shall be appointed by the Resident Judge of the Superior Court of the Judicial District, of which Iredell County is a part, and such successor shall serve for a period of three years. Successor appointments.

(4) Any vacancy occurring on said board, regardless of the cause thereof, shall be filled by the said resident judge as herein provided, and the term of any person appointed to fill a vacancy shall expire upon the expiration of the term of the person in whose place he was appointed. Vacancy appointments.

(5) No member of the civil service board shall be eligible for reappointment at the end of a regular three year term." Eligibility for reappointment.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 305 **CHAPTER 575**

AN ACT TO PERMIT THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF WRIGHTSVILLE BEACH TO SPEND A PORTION OF THE PROFITS FROM THE ALCOHOLIC BEVERAGE CONTROL BOARD AND OTHER MONIES FOR CERTAIN PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Town of Wrightsville Beach, use of A.B.C. profits and other monies for public purposes.

SECTION 1. That the Mayor and Board of Aldermen of the Town of Wrightsville Beach be and they are hereby authorized and empowered, annually, to set apart and appropriate from the profits of the Alcoholic Beverage Control Board of New Hanover County, paid over to the town, or from surplus funds of the town not raised by taxation, and not otherwise appropriated, an amount not exceeding $500.00, for the purpose of advertising the advantages and resources of the town, and for such other purposes as will, in the discretion of the said mayor and board of aldermen, increase the taxable property, business property and general welfare of said town, all of which said purposes are hereby declared to be public purposes of the town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 310 **CHAPTER 576**

AN ACT TO ENABLE THE EDGECOMBE COUNTY DRAINAGE DISTRICT NUMBER TWO TO MAINTAIN ITS CANALS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 238 of the Public-Local Laws of 1941 be amended by rewriting the first sentence in Section 3 to read as follows:

Ch. 238, Public-Local Laws, 1941, amended.

"SEC. 3. In lieu of letting contracts for the construction, maintenance or repair of drainage works the said board of drainage commissioners may in its discretion, construct, maintain or repair drainage works by its own forces, to be employed by the board, and for that purpose may purchase or rent any necessary machinery or equipment, and may pay the cost of the same out of the proceeds of said bonds or out of any other funds of the district; and may sell, lease or rent out at public or private sale or rental any such machinery or equipment as it may deem advisable."

Edgecombe County Drainage District No. Two, construction and maintenance of drainage works.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 315 **CHAPTER 577**

AN ACT AMENDING CHAPTER TWO HUNDRED SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-SEVEN AND CHAPTER TWO HUNDRED SIXTY-FOUR OF THE ONE THOUSAND NINE HUNDRED FORTY-SEVEN SESSION LAWS OF NORTH CAROLINA RELATING TO THE NUMBER OF PERSONS TO BE DRAWN FOR JURY DUTY FOR THE SUPERIOR COURTS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 206 Public-Local Laws of 1937 as amended be further amended by striking out after the words "thirty-eight" in line 6, the following: "and thereafter at the first week of the first term of the criminal court after the first days of January and July of each year there shall be chosen a grand jury to serve for a term of six months", and inserting in lieu thereof the following: "and thereafter at the first week of the first term of the criminal court convening after

Ch. 206, Public-Local Laws, 1937, amended as to selection of grand jury, Forsyth County.

the twenty-fifth day of December and June of each year there shall be chosen a grand jury to serve for a term of six months".

Chapter further amended to increase number of persons drawn for jury duty.

SEC. 2. That Section 4 of Chapter 206 Public-Local Laws of 1937 as amended be further amended by striking out in line 4 of said Section 4 the words "fifty-four persons" and inserting in lieu thereof the words "sixty persons"; and by striking out in line 12 of said Section 4 the words "thirty-eight persons" and inserting in lieu thereof the words "forty-four persons".

Application of Act.

SEC. 3. That this Act shall apply only to Forsyth County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

S. B. 321 CHAPTER 578

AN ACT TO VALIDATE A CONVEYANCE OF LAND BY DEED FROM THE TOWN OF STANTONSBURG TO THE WILSON COUNTY BOARD OF EDUCATION AND A CONVEYANCE OF THE SAME LAND FROM THE WILSON COUNTY BOARD OF EDUCATION TO S. H. CROCKER, THE LAND BEING IN STANTONSBURG, NORTH CAROLINA.

Preamble: Acquisition of title to certain land by Town of Stantonsburg.

WHEREAS, the Town of Stantonsburg, in an action pending in the Superior Court of Wilson County, North Carolina, instituted by the Town of Stantonsburg to foreclose its lien for paving assessment, acquired title to the lands hereafter referred to by deed from Wade A. Gardner, Commissioner, dated March 30, 1936, and of record in Book 225 at page 413 of the Wilson County Registry; and

Conveyance of land by town to Wilson County Board of Education.

WHEREAS, the Town of Stantonsburg conveyed said lands to the Wilson County Board of Education by deed dated November 12, 1936, and of record in Book 237 at page 195 of said registry, without first advertising said land for sale at public auction; and

Conveyance by Wilson County Board of Education.

WHEREAS, the Wilson County Board of Education thereafter conveyed the said lands to S. H. Crocker by deed dated March 25, 1941, which is of record in Book 263 at page 589 of the said registry, without first having advertised the same for sale at public auction; and

Conveyances made in good faith and for valuable consideration.

WHEREAS, both conveyances were made in good faith and for valuable consideration and in the interest of both the Town

of Stantonsburg and the Wilson County Board of Education: *Now, therefore,*

The General Assembly of North Carolina do enact:

Deed from Town of Stantonsburg to Wilson County Board of Education validated.

SECTION 1. That the deed from the Town of Stantonsburg to the Wilson County Board of Education dated November 12, 1936, and of record in Book 237 at page 195 of the Wilson County Registry, conveying a certain lot of land situate on the West side of Main Street in the Town of Stantonsburg, Wilson County, North Carolina, adjoining the lands of L. K. Edwards and others, and fronting sixty-two (62) feet on said street and running back between parallel lines two hundred and sixty-four (264) feet be, and the same is hereby validated and deemed sufficient to pass and convey good title to said property.

Deed from Wilson County Board of Education to S. H. Crocker validated.

SEC. 2. That the deed from the Wilson County Board of Education to S. H. Crocker, dated March 25, 1941, and of record in Book 263 at page 589 of the Wilson County Registry, conveying the same lot of land referred to and described in Section 1 hereof, be, and the same is hereby validated and deemed sufficient to convey good title to the property therein described.

Conflicting laws repealed.

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall take effect immediately upon and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 156 CHAPTER 579

AN ACT TO AMEND THE CONSTITUTION AS TO PERMIT ANY PERSON, WHEN REPRESENTED BY COUNSEL, TO WAIVE INDICTMENT IN ALL EXCEPT CAPITAL CASES.

The General Assembly of North Carolina do enact:

Art. I, Sec. 12, Constitution of N. C. amended as to waiver of indictment.

SECTION 1. That the Constitution of the State of North Carolina be, and is hereby, amended by adding to Section 12, Article I the following: But any person, when represented by counsel, may, under such regulations as the Legislature shall prescribe, waive indictment in all except capital cases.

Submission of amendment to voters.

SEC. 2. That this amendment shall be submitted to the qualified voters of the whole State at the general election to be held November 7, 1950.

Form of ballot.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed,

"For permitting any person, when represented by counsel, to waive indictment in all except capital cases"; those opposed shall vote a ballot on which shall be written or printed the words, "Against permitting any person, when represented by counsel, to waive indictment in all except capital cases."

Conduct of election.

SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast shall be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of the State who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force in every part thereof from and after date of such certification.

Certification by Governor.

Enrollment.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 241 CHAPTER 580

AN ACT TO AMEND SECTION 105-102 OF THE GENERAL STATUTES RELATIVE TO THE LICENSE TAX ON JUNK DEALERS.

The General Assembly of North Carolina do enact:

G. S. 105-102, amended as to license tax on junk dealers.

SECTION 1. Section 105-102 of the General Statutes is hereby amended by striking out the period following the word "out" and immediately preceding the word "Counties" in line 32 and inserting in lieu thereof the following: "*Provided further,* that any person, firm or corporation engaged in the business enumerated in this Section who does not maintain an established place of business in this State and who buys and/or sells or disposes of junk and other waste materials purchased or collected in this State otherwise than to licensed junk dealers or manufacturers in this State shall be liable for the license tax herein imposed upon the same basis as if such person, firm or corporation maintained a place of business in each county and municipality where such activity is carried on."

Section further amended as to exemptions.

SEC. 2. Section 105-102 of the General Statutes is hereby further amended by striking out of lines 40 and 41 the words "using scrap engaged in shipment in interstate commerce" and inserting in lieu thereof the following words: "in this State."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after June 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 299 CHAPTER 581

AN ACT TO PROVIDE FOR ADMINISTRATION OF THE ESTATE OF A MISSING PERSON, DETERMINATION OF THE HEIRS AND NEXT OF KIN OF THE ABSENTEE, AND TO VEST TITLES CONTINGENT UPON THE DEATH OF THE MISSING PERSON.

The General Assembly of North Carolina do enact:

SECTION 1. When, by verified application or petition for probate of a will or letters of administration, it shall be made to appear to the satisfaction of the Clerk of the Superior Court that any person has disappeared from the community of his or her residence, that his or her whereabouts are unknown, and that such absentee has not been heard from in said community within seven years last past, such clerk shall cause summons and a copy of said petition to be served upon all persons shown therein to be in possession of property of the missing person and all next of kin of said missing person who are known and shown to reside within this State, and, by publication provided by G. S. 1-99, said clerk shall give notice of such petition, directing the missing person, his or her spouse, heirs and next of kin, to appear before his court within twenty days from service of said notice and answer or demur to the allegations contained in said petition. Upon failure of the missing person to so appear, said clerk shall appoint some suitable person or persons to act as guardian ad litem for the missing person and such spouse and child, or issue thereof, who may be living but have made no appearance, and shall cause to be published once a week for four weeks a notice requiring the missing person, spouse and children or their issue, if alive, or any other person for them, to produce to the court evidence of the continuation in life of the missing person, spouse, child or issue thereof. If within twenty days from service of such notice evidence is not produced to the clerk that the missing person is alive, he or she shall be presumed to be deceased, may be so declared by the clerk upon hearing of said petition, and the estate of the missing person may thereupon be administered as provided herein and by law.

Petition for administration of estate of missing persons.

Service upon next of kin and persons in possession of property.

Appointment of guardian ad litem.

Notice to produce evidence that missing person is alive.

Judgment and order of clerk.

If it shall appear from the aforesaid petition that the spouse of the missing person is also missing and has not been so heard

Finding of clerk as to spouse and issue of missing person.

from within seven years last past, or if it appears therein that said missing person had no child at the time of disappearance and that no child has been so heard from within said seven-year period, upon the hearing of said petition, if the spouse of the missing person does not appear, and there is no evidence that such spouse is alive, it shall be presumed that such spouse is deceased, or if no child or issue thereof appears, and there is no evidence that a child or issue thereof be alive, it shall be presumed that said missing person died without a child or issue thereof surviving, and the clerk may so find as to said spouse, child or issue thereof.

Force and effect of findings.

Until set aside on subsequent appearance in said proceeding by the missing person, spouse, child or issue thereof, such declaration and finding or findings shall be conclusive, and effective as of the date thereof, in the administration of the estate of the missing person, in subsequent sales or partition of his or her property, and in determination of any other interest, estate or trust to be vested or contingent upon the death of such missing person.

Conveyances of real property of missing persons.

All conveyances of real property of said missing person made by any devisee or heir at law within two years of said declaration and findings shall be void as to said missing person, his or her spouse and unknown children or issue thereof, but such conveyances to bona fide purchasers for value, if made after said two-year period, shall be valid.

Distribution of property held in trust.

Before any distribution of property held by or in trust for the missing person is made, the persons entitled to such distribution shall give their bond, with such sureties as the clerk may require, or secured by the property so received, conditioned that if the missing person, spouse, children or issue thereof, shall in fact be alive at the time, they will, respectively, refund to whomsoever may be entitled thereto, the property or amounts received with interest thereon, but no surety or security shall be required when the missing person has been absent for a period of twenty-five years and has not been heard from as aforesaid during said period.

Bond of distributee.

Limitation of actions on bond.

No action shall be instituted on such bond after the expiration of two years from date thereof, no action may be maintained against the purchaser for value of any property sold by any administrator, executor or other fiduciary pursuant to the declaration or findings herein authorized, and no action may be maintained against any administrator, executor or other fiduciary for any act done prior to revocation of the probate or letters herein authorized in reliance upon said declaration or findings, or under authority of this Article.

Civil immunity of purchasers for value and fiduciaries.

Right of action against distributee for recovery of property or its value.

Nothing in this Article shall bar any action, or affect the statute of limitation applicable thereto, brought by any missing person, spouse, child or issue thereof, to recover any property delivered to and in possession of a distributee as herein authorized, or to recover from any distributee the value of any property alienated by him, but the possession of such distributee shall be deemed to be adverse and the statute of

limitation shall begin to run as against such action from the date of the declaration and findings of the clerk as herein provided.

Limitation on actions against distributee.

The Clerk of the Superior Court of the county of the last known residence of the missing person shall have prior right to jurisdiction of the above proceedings and probate of a will or appointment of an administrator for the estate of a missing person, but if no prior appointment has been made after the expiration of ten years from such disappearance, jurisdiction may be assumed by the Clerk of the Superior Court of any county in which the missing person had property, or in which property is held in trust for him: *Provided,* that when jurisdiction is assumed by the clerk of any county other than that of the last known residence of the missing person, the notices required herein shall be published in the county of the court taking jurisdiction and in the county where the missing person had a last known residence.

Jurisdiction of clerk of county of last known residence.

Clerk of county where property is located.

Publication of notices.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 380 CHAPTER 582

AN ACT TO AUTHORIZE THE CALLING OF AN ELECTION IN MARTIN COUNTY TO DETERMINE WHETHER OR NOT SAID COUNTY SHALL COME UNDER THE PROVISIONS OF ARTICLE 12 OF CHAPTER 156 OF THE GENERAL STATUTES, RELATING TO THE PROTECTION OF THE PUBLIC HEALTH AND IMPROVEMENT OF AGRICULTURAL CONDITIONS BY THE DRAINAGE OF STREAMS IN SAID COUNTY, AND TO AUTHORIZE THE LEVY OF TAXES THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. Upon presentation to the Board of County Commissioners of Martin County of a petition signed by fifteen per cent (15%) of the registered voters that voted for Governor in the last election requesting that an election be held for the purpose of submitting to the voters of said county the question of whether or not the provisions of this Act and Article 12 of Chapter 156 of the General Statutes, relating to the drainage of streams, shall apply to Martin County, the board of county commissioners of said county may, in its discretion, call an election

Martin County, election on application of G. S. Ch. 156, Art. 12, providing for drainage of streams.

for the purpose of submitting said question to the voters of the county. Upon receipt of such petition, the board of county commissioners is authorized to request the county board of elections to call and conduct the election and, upon receipt of such request, the county board of elections shall, within thirty days thereafter, call the election petitioned for.

Notice of election.

Thirty days' public notice shall be given of any election called pursuant to the provisions of this Act prior to the opening of the registration books for the same, and such election shall be held under the same law and regulations as are now provided for the election of members of the General Assembly, except that no absentee ballots shall be voted in said election.

Conduct of election.

Results of election.

SEC. 2. When the Board of Commissioners of Martin County, subject to the provisions of this Act and Article 12 of Chapter 156 of the General Statutes and by majority of the votes cast in such election are in favor of making the provisions of this Act and Article 12 of Chapter 156 of the General Statutes, and when the board of commissions find as facts:

Finding of facts by commissioners.

Necessity to clean and drain streams.

(a) That the cleaning out and draining of any portion of any non-navigable stream, creek or swamp area in such county is necessary and/or desired to protect and promote the health of the citizens of Martin County.

Drainage and cleaning by commissioners, when assessment not justified.

(b) That the agricultural benefits which the lands along such streams or area might receive from such cleaning out and draining would be so negligible as not to justify the levying of any special assessments against such lands on account thereof, it may order, provide for, and accomplish the cleaning out and draining of such portion of such stream, creek or swamp by, through, and under the supervision and jurisdiction of the board of county commissioners.

Tax levy authorized.

SEC. 3. In the event the voters of Martin County vote in favor of making the provisions of this Act and Article 12 of Chapter 156 of the General Statutes applicable to Martin County, the board of county commissioners of said county may annually levy and collect a county-wide tax not exceeding ten cents ($.10) on each one hundred dollars ($100.00) in value of the taxable property in said county.

Obstruction of flow of stream, if drainage authorized, made misdemeanor.

SEC. 4. In the event the majority of the voters of Martin County vote in favor of adopting the provisions of this Act and Article 12 of Chapter 156 of the General Statutes, thereafter, any person, firm or corporation who, in cutting timber or wood in said county or in building fences across the streams in said county, shall, by such operations, leave timber laps or other obstructions in the streams of said county in such a manner as to block the natural flow of such streams, shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 461 CHAPTER 583

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 20-84 of the General Statutes by adding at the end thereof the following paragraph: G. S. 20-84, Motor Vehicle Act, amended.

"In lieu of the annual one dollar ($1.00) registration provided for in this Section, the department may for the license year 1950 and thereafter provide for a permanent registration of the vehicles described in this Section and issue permanent registration plates for such vehicles. The permanent registration plates issued pursuant to this paragraph shall be of a distinctive color and shall bear thereon the word "permanent." Such plates shall not be subject to renewal and shall be valid only on the vehicle for which issued. For the permanent registration and issuance of permanent registration plates provided for in this paragraph, the department shall collect a fee of one dollar ($1.00) for each vehicle so registered and licensed." Permanent registration plates for certain vehicles authorized. Description of plate. Permanent registration fee.

SEC. 2. Amend Section 20-158 of the General Statutes by inserting therein a new Subsection, to be designated Subsection (c), and to read as follows: G. S. 20-158, vehicles must stop at certain through highways, amended.

"(c) When a stop light has been erected or installed at any intersection in this State outside of the corporate limits of a municipality, no operator of a vehicle approaching said intersection shall enter the same with said vehicle while the stop light is emitting a red light or stop signal for traffic moving on the highway and in the direction that said approaching vehicle is traveling." Stop lights outside corporate limits of municipality.

Further amend Section 20-158 of the General Statutes by redesignating Subsection (c) as Subsection (d).

SEC. 3. Strike out the last paragraph of Subsection (a) of Section 20-79 of the General Statutes and insert in lieu thereof the following: G. S. 20-79, amended.

"No person, firm, or corporation shall engage in the business of buying, selling, distributing or exchanging motor vehicles, trail- Registration by dealers in vehicles and trailers. License required.

ers or semi-trailers in this State unless he or it qualifies for and obtains the license required by this Section.

Violations made misdemeanor.

"Any person, firm, or corporation violating any provision of this Subsection shall be guilty of a misdemeanor and for each offense shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00)."

G. S. 20-136.1, enacted.

SEC. 4. Insert a new Section in Chapter 20 of the General Statutes, to be numbered Section 20-136.1, to follow immediately Section 20-136, and to read as follows:

Location of television sets in view of driver, prohibited.

"SECTION 20-136.1. Location of television viewers. No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle."

G. S. 20-56, registration indexes, amended.

SEC. 5. Rewrite paragraph (c) of Section 20-56 of the General Statutes to read as follows:

"(c) Under the motor number or any other identifying number of the vehicle; and"

G. S. 20-84.1, enacted.

SEC. 6. Insert a new Section in Chapter 20 of the General Statutes, to be numbered Section 20-84.1, to follow immediately Section 20-84, and to read as follows:

Permanent plates for city busses.

"SECTION 20-84.1. Permanent plates for city busses. The department may for the license year 1950 and thereafter provide for a permanent registration and issue permanent registration plates for city busses and trackless trolleys when such busses and trolleys are operated under franchises authorizing the use of city streets, but no bus or trackless trolley shall be registered or licensed under this Section if it is operated under a franchise authorizing an intercity operation. The permanent registration plates issued pursuant to the provisions of this Section shall be of a distinctive color and shall bear thereon the word "permanent." Such plates shall not be subject to renewal and shall be valid only on the vehicle for which issued. For the permanent registration and issuance of permanent registration plates as provided for in this Section, the department shall collect a fee of one dollar ($1.00) for such vehicle so registered and licensed."

Exception.

Description of plate.

Registration fee.

G. S. 20-29, Drivers License Act, amended as to surrender of license.

SEC. 7. Amend Section 20-29 of the General Statutes by adding at the end thereof the following:

"Pickup notices for operators' or chauffeurs' licenses or revocation or suspension of license notices and orders or demands issued by the department for the surrender of such licenses may be served and executed by patrolmen or other peace officers, and such patrolmen and peace officers, while serving and executing

such notices, orders and demands, shall have all the power and authority possessed by peace officers when serving and executing warrants charging violations of the criminal laws of the State."

SEC. 8. Amend Section 20-96 of the General Statutes by inserting the following sentence therein to precede immediately the last sentence of said Section:

G. S. 20-96, additional license tax for overloading, amended to apply to non-residents.

"Nonresidents operating under the provisions of Section 20-83 shall be subject to the additional $3.00 tax provision when their vehicles are operated with more than one ton in excess of the licensed weight or, regardless of licensed weight, in excess of the maximum weights provided for in Section 20-118."

SEC. 9. Amend Section 20-7 of the General Statutes (1947 Cumulative Supplement) by striking out the colon after the word "article" in line 7 of Subsection (a), inserting a period in lieu thereof, and by striking out the remainder of said Subsection (a).

G. S. 20-7, operators and chauffeurs license, amended to repeal provisions for learners' permits.

SEC. 10. Amend Section 20-7 of the General Statutes (1947 Cumulative Supplement) by inserting therein a new Subsection, to be designated Subsection (m), to follow immediately Subsection (l), and to read as follows:

G. S. 20-7, amended as to contents of license.

"(m) Every operator's or chauffeur's license issued by the department shall bear thereon the distinguishing number assigned to the licensee and shall contain the name, age, residence address and a brief description of the licensee, who, for the purpose of identification and as a condition precedent to the validity of the license, immediately upon receipt thereof, shall endorse his or her regular signature in ink upon the same in the space provided for that purpose unless a facsimile of his or her signature appears thereon. Such license shall be carried by the licensee at all times while engaged in the operation of a motor vehicle. However, no person charged with failing to so carry such license shall be convicted, if he produces in court an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest."

License to be carried while operating a motor vehicle.

Further amend Section 20-7 of the General Statutes (1947 Cumulative Supplement) by designating Subsection (m) as Subsection (n).

SEC. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 512 CHAPTER 584

AN ACT TO REGULATE THE FEES OF JUSTICES OF THE PEACE IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Stokes County, regulation of fees of Justices of the Peace.

SECTION 1. Notwithstanding any other provision of law, a Justice of the Peace in Stokes County shall tax in the bill of costs the sum of three dollars and fifty cents ($3.50) in all criminal actions tried before him and the sum of two dollars and fifty cents ($2.50) in all civil actions tried before him and the aforesaid sums shall constitute full compensation to said justice of the peace for any and all services or judicial acts performed by him in the trial of any civil or criminal action or proceeding, including pleas of guilty or judgment by default.

Disbursement in transfer cases.

If the case is removed to some other justice of the peace, then the trial justice shall tax the amounts herein provided but shall disburse and pay to the justice of the peace from whom the case was removed the sum of fifty cents (50c), and the trial justice shall retain the balance as his compensation or fee in full for all of his services in connection with the trial of said action or proceeding.

Fees provided in lieu of all other fees.

SEC. 2. The said sums, fees or costs provided in Section 1 of this Act shall be in lieu of all fees and costs to which said justice of the peace may have been entitled prior to the passage of this Act for all of his services and judicial acts in the trial of any civil or criminal action or proceeding, and said justice of the peace shall collect no other fee or fees or costs other than herein provided for his services and judicial acts in connection with the trial of any civil or criminal action or proceeding.

Application of Act.

SEC. 3. The provisions of this Act shall not apply to bills of costs already taxed and uncollected nor shall the provisions of this Act apply to pending cases.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 516 **CHAPTER 585**

AN ACT TO AMEND CHAPTER 441 OF THE 1947 SESSION LAWS OF NORTH CAROLINA, RELATING TO THE TRAFFIC BUREAU OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Ch. 441, Session Laws, 1947, amended as to jurisdiction of Traffic Bureau, Town of Laurinburg.

SECTION 1. Section 1 of Chapter 441 of the 1947 Session Laws of North Carolina is hereby amended by adding at the end of said Section the following:

"18. Disregarding traffic lights."

Chapter further amended as to penalties for traffic violations.

SEC. 2. Section 2 of Chapter 441 of the 1947 Session Laws of North Carolina is hereby amended by striking out said Section and inserting in lieu thereof the following:

"That any person, firm or corporation receiving citations for the above offenses pay through the traffic bureau the following amounts as partial payment of the court costs for such violations:

All offenses listed above, one dollar ($1.00), except violating speed limit, disregarding stop signs and disregarding traffic lights.

For violating the speed limit the payments shall be as follows:

	First Offense	Second Offense
36-50 miles per hour	$ 5.00	$10.00
51-55 miles per hour	10.00	15.00
56 and over miles per hour	15.00	25.00

For disregarding stop signs or traffic lights, the payment shall be five dollars ($5.00) for the first offense and ten dollars ($10.00) for the second offense."

SEC. 3. Section 3 of Chapter 441 of the 1947 Session Laws of North Carolina is hereby amended by striking out said Section and inserting in lieu thereof the following:

Procedure before Traffic Bureau.

"Any person, firm or corporation cited by the police officers of the Town of Laurinburg to appear before such traffic bureau may submit thereto a plea of guilty to such traffic violation or violations and tender the sum or sums provided for in Section 2 of this Act as a partial payment of court costs for such violation or violations: *Provided,* that such traffic bureau shall not accept a plea of guilty to violation of speed limit by the same person more than two times in any twelve-month period and shall not accept a plea of guilty to violation of disregarding stop signs or traffic lights more than two times in any twelve-month period. In the event such person, firm or corporation so cited shall be unwilling to submit a plea of guilty to such traffic violation or violations, shown in the citation, thereupon a war-

rant shall be duly issued by the Police Department of the Town of Laurinburg and the person so charged with such violation shall be tried upon such warrant in the Scotland County Criminal Court or the Mayor's Court of the Town of Laurinburg."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 529 CHAPTER 586

AN ACT TO AMEND G. S. 116-143 TO INCLUDE REQUIRED ACADEMIC FEES IN STUDENT LOANS AUTHORIZED THEREBY.

The General Assembly of North Carolina do enact:

G. S. 116-143, amended to include academic fees in student loans by State institutions.

SECTION 1. That G. S. 116-143 be, and the same hereby is, amended by striking out the comma following the word "tuition" in the second line of the second paragraph of said Section and by inserting therein, after the word "tuition," the following: "and required academic fees."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 565 CHAPTER 587

AN ACT TO AMEND THE CHARTER OF THE TOWN OF KURE BEACH.

The General Assembly of North Carolina do enact:

Ch. 906, Session Laws, 1947, charter of Town of Kure Beach, amended.

SECTION 1. Sections 12, 13, 14, 15, 16, 17 and 18 of Chapter 906 of the Session Laws of 1947 are hereby stricken out, and the following is substituted in lieu thereof:

Biennial appointment of mayor and commissioners by Governor.

"SEC. 12. That in the second week of June, 1949, and in the second week in June every two years thereafter, the Governor of the State of North Carolina shall appoint a mayor and four

commissioners for the said Town of Kure Beach, who shall be sworn in as such mayor or commissioners on the first Tuesday in July following their appointment, or as soon thereafter as possible, by any person who is authorized to administer oaths.

Petition of candidacy for office.

"That on or before the first day of May, 1949, and every two years thereafter, any person desiring to become a candidate for the office of Mayor or Commissioner of Kure Beach shall file with the clerk of said town their petition for said office, signed by at least five freeholders or five legal residents of said town.

Ballots forwarded by town clerk to persons eligible to vote.

"That on or before the fifteenth day of May, 1949, and every two years thereafter, there shall be forwarded by the Clerk of the Town of Kure Beach a ballot to every freeholder at their last known address, and to the registered legal residents of said Town of Kure Beach, and said ballot containing the names of the persons so filing for the above stated offices. The word "Freeholder" or "Legal Resident" shall be designated after the names of the respective candidates, and the ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of New Hanover County in a sealed envelope not later than nine o'clock A. M. the first Monday in June following, and said ballots to be then opened and tabulated at twelve o'clock noon in the office of the Clerk of the Town of Kure Beach by the Chairman of the New Hanover County Board of Elections, said opening being public. The person receiving the highest number of ballots shall be recommended as mayor of said town, and the next four receiving the greater number of votes shall be recommended as commissioners of said town; and the Clerk of the Town of Kure Beach and the Chairman of the New Hanover County Board of Elections shall immediately forward to the Governor of the State of North Carolina the result of the said balloting, who shall appoint the persons so recommended to the positions for which they are recommended. The said persons so appointed by the Governor of the State of North Carolina shall constitute the governing body of said town, and shall possess and be invested with all the powers and duties which are now or may be hereafter given to law governing bodies of cities and towns in the State of North Carolina: *Provided, however,* that three of the persons on said governing board shall be legal residents of the Town of Kure Beach, and two shall be freeholders in said town; and a legal resident, for the purpose of holding office and casting a ballot for said officers, shall be considered to be a person whose residence is six months or more out of the year in the Town of Kure Beach, and a legal resident of the State of North Carolina: *Provided further,* that no person shall cast more than one such ballot in any one Kure Beach municipal election."

Ballots marked, notarized and returned to chairman, County Board of Elections.

Tabulation of votes.

Recommedation for office of persons receiving highest votes.

Ballot results forwarded to Governor.

Appointment of officials.

Powers and duties of persons appointed.

Composition of governing body.

"Legal resident" defined.

Qualification of voters.

Subsection 1. The persons entitled to receive ballots from the Clerk of the Town of Kure Beach, as hereinbefore set out, shall be:

(a) Persons of twenty-one years of age and who are freeholders in the Town of Kure Beach.

(b) Any person over twenty-one years of age whose residence is six months or more out of the year in the Town of Kure Beach, and a legal resident of the State of North Carolina: *Provided,* that the said legal resident shall cause his or her name, and address, to be registered with the Clerk of the Town of Kure Beach on or before May 15, 1949, or any time thereafter between May 1 and May 15.

Forwarding of ballots by Clerk.

(c) The Clerk of the Town of Kure Beach shall forward the ballot hereinbefore mentioned to every freeholder and every legal resident by mailing said ballot to the last known address, or delivering in person.

Terms of incumbent Commissioners.

Subsection 2. The present Commissioners of the Town of Kure Beach shall hold office until Tuesday of the first week in July, 1949, or until their successors are appointed and qualified.

Vacancy appointments.

Subsection 3. Should a vacancy occur either as Mayor or Commissioner of the Town of Kure Beach during their respective terms of office, then and in that event the remaining Commissioners of the Town of Kure Beach may recommend to the Governor of the State of North Carolina one of their body, or any freeholder or legal resident, as defined above, to be appointed by the Governor of the State of North Carolina to fill the vacancy.

Compensation to Chairman of County Board of Elections for services.

Subsection 4. The Chairman of the County Board of Elections of New Hanover County shall receive for his services, in addition to such other compensation as he may receive, the sum of fifty dollars ($50.00) for supervising said casting of ballots. The said amount shall be paid by the Town of Kure Beach, and the Town of Kure Beach is hereby authorized, empowered and directed to pay such other necessary expense that may be incurred in carrying out the provisions of this Act.

Violations of provisions of section made misdemeanor.

Subsection 5. Any person violating any Section of this Act regarding the opening of said ballots, or casting of same, shall be guilty of a misdemeanor, and punished by a fine or imprisonment, in the discretion of the court.

Compensation of mayor and commissioners.

"SEC. 13. The mayor and commissioners shall have office at the town hall. The compensation of the mayor and commissioners shall be an amount not to exceed twenty-five dollars ($25.00) per annum, payable in monthly installments."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 573 **CHAPTER 588**

AN ACT TO REPEAL CHAPTER 174 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO A SPECIAL ELECTION FOR THE ERECTION OF A MUNICIPAL AUDITORIUM IN THE CITY OF CHARLOTTE AND TO LEVY A TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 174 of the Public-Local Laws of 1941 entitled "An Act to Provide for a Special Election for the Erection of a Municipal Auditorium in the City of Charlotte and to Levy a Tax Therefor", be and the same is hereby repealed.

Ch. 174, Public-Local Laws, 1941, relating to special election for erection of municipal auditorium, Charlotte, repealed.

SEC. 2. The City of Charlotte shall have and may hereafter exercise all powers granted to municipalities under the general laws of the State with respect to the subject matter of said Chapter 174.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 574 CHAPTER 589

AN ACT TO REPEAL CHAPTER 470 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO THE LEVY OF TAXES FOR PARK AND RECREATION PURPOSES BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Ch. 470, Public-Local Laws, 1941, as to tax levy for park and recreation purposes, Charlotte, repealed.

SECTION 1. Chapter 470 of the Public-Local Laws of 1941 entitled "An Act Authorizing the Levy of Tax for Park and Recreation Purposes by the City of Charlotte upon Vote of the Qualified Voters of the City", shall be and the same is hereby repealed.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 586 CHAPTER 590

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO LEVY A SPECIAL TAX TO BE DISTRIBUTED AMONG THE HOSPITALS LOCATED IN HENDERSON COUNTY AND OPERATED AS NON-PROFIT ORGANIZATIONS.

The General Assembly of North Carolina do enact:

Henderson County, special tax levy for benefit of certain hospitals authorized.

SECTION 1. The Board of Commissioners of Henderson County is hereby authorized and empowered to levy a special tax, not exceeding one cent ($.01) on each one hundred dollars ($100.00) of valuation of property in the county, and to distribute the funds realized from such tax to the following institutions:

Patton Memorial Hospital, fifty per cent (50%)

Mountain Sanitarium, twenty-five per cent (25%)

The Valley Clinic, twenty-five per cent (25%) and such levy is hereby declared necessary and to be for a special and necessary public purpose and shall be in addition to any other tax levy, general or special, which the board of commissioners is authorized to make.

Other special levies for purposes of Act prohibited.

SEC. 2. The authority of the board of commissioners to levy any other special tax for hospitals is hereby repealed and the taxes levied hereunder shall be the only taxes which the board of commissioners is authorized to levy for this purpose.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 588 CHAPTER 591

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF HENDERSON COUNTY TO PURGE HIS RECORDS OF CERTAIN TAX SUITS AND RECORDS AND TO DESTROY THE SAME AND TO AUTHORIZE THE COMPILATION AND ESTABLISHMENT OF AN INDEX TO TAX FORECLOSURES.

The General Assembly of North Carolina do enact:

Henderson County, taxes for certain years collected or property foreclosed.

SECTION 1. Whereas, all taxes for the year 1943 and prior thereto owed to Henderson County have been collected or the property foreclosed by Henderson County, and whereas, the Office of the Clerk of Superior Court is maintaining many records of tax suits which serve no purpose whatever and require the needless expense of maintaining, storing and caring for the same; the said clerk is hereby authorized and directed to remove from his files and destroy the judgment rolls and any other records relating to tax suits where judgments of non-suit have been entered, or may be entered, either by voluntary action or by order of the court and/or where said suits are pending and no judgment has been taken.

Destruction of completed tax records authorized.

Additional authority as to destruction of records.

SEC. 2. This authority to purge the records shall apply likewise to all suits wherein any municipality in Henderson County is the plaintiff as well as those in which the county is the plaintiff, and to all suits in which judgments of non-suit have been or may be entered wherein others are plaintiffs.

Continued maintenance of certain records.

SEC. 3. Said clerk of court shall continue to maintain all records and judgment rolls of tax suits in which final judgments of foreclosure have been taken.

Index of judgments of final foreclosure of tax suits for certain years.

SEC. 4. The Clerk of Superior Court of Henderson County is hereby authorized and directed to prepare an index of all judgments of final foreclosure of tax suits for the year 1943 and prior thereto, which said index shall not include any suits in which judgments of final foreclosure have not been taken, and such index, when so prepared, shall constitute a public record in the office of the clerk and a record on which any interested party may rely. The said clerk of the court may add to said index, from year to year, any judgment wherein final foreclosure is had in the future and when such shall be added for any year it shall constitute the public record of tax foreclosures for that year.

Index to be public record.

Additions to index.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 6. This Act shall be in full force and effect from and after June 1, 1949.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 601 CHAPTER 592

AN ACT TO REWRITE THE SECOND PARAGRAPH OF SUBSECTION (c) OF SECTION 131-120 RELATING TO THE HOSPITAL PROGRAM OF THE NORTH CAROLINA MEDICAL CARE COMMISSION.

The General Assembly of North Carolina do enact:

G. S. 131-120, relating to N. C. Medical Care Commission, amended.

SECTION 1. Amend Subsection (c) of G. S. 131-120, as the same appears in the 1947 Cumulative Supplement to the General Statutes, by rewriting the second paragraph of said Subsection (c) of G. S. 131-120 so that said second paragraph shall hereafter read as follows:

Administration of statewide plan for construction and maintenance of hospitals, etc.

Authority to receive and administer State and Federal funds.

Promulgation of statewide plans for hospitals and medical centers.

"The North Carolina Medical Care Commission is hereby authorized and empowered to act as the agency of the State of North Carolina for the purpose of setting up and administering any statewide plan for the construction and maintenance of hospitals, public health centers and related facilities, and to receive and administer any funds which may be provided by the General Assembly of North Carolina and/or by the Congress of the United States for such purpose; and the commission, as such agency of the State of North Carolina with the advice of the State Advisory Council set up as hereinafter provided, shall have the right to promulgate such statewide plans for the construction and maintenance of hospitals, medical centers and related facilities, or such other plans as may be found desirable and necessary in order to meet the requirements and receive the benefits of any Federal legislation with regard thereto. The said commission shall be authorized to receive and administer any funds which may be appropriated by any Act of Congress or of the General Assembly of North Carolina for the construction of hospitals, medical centers and related activities or facilities, which may at any time in the future become available for such purposes; said commission shall be further authorized to receive and administer any other federal funds, or State funds, which may be available, in the furtherance of any activity in which the commission is authorized and empowered to engage in under the provisions of this Article establishing said commission, and in connection therewith the commission is authorized to adopt such rules and regulations as may be necessary to carry

Authority to receive and administer State and Federal funds.

Rules and regulations to carry out purpose of Act.

out the intent and purposes of this Article; to adopt such reasonable and necessary standards with reference thereto as may be proper to fully cooperate with the Surgeon General or other agency or department of the United States with the approval of the Federal Advisory Council in the use of funds provided by the Federal government, and at all times make such reports and give such information to the Surgeon General or other agency or department of the United States as may be required."

Cooperation with Federal agencies, etc., in use of funds.

Reports.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 603 **CHAPTER 593**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SANFORD IN LEE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Sanford, a municipal corporation located in Lee County, North Carolina, shall be extended by annexing to the territory now within said corporate limits the area of land embraced within the following boundaries, to-wit:

Town of Sanford, corporate limits extended.

Description of boundaries.

Beginning at a point in Gunter Avenue where Gunter Avenue intersects the present Sanford corporate limits; and running thence northward with Gunter Avenue and Gunter Avenue Extended about 2400 feet to a point where Gunter Avenue Extended joins the road leading from Bragg Street to the Lee County Home; thence with the road leading from Lee County Home to Bragg Street and in a westward direction about 1400 feet to the intersection of said road with Bragg Street; running thence with Bragg Street in a southerly direction about 1800 feet to the present Sanford corporate limits; thence with the present Sanford corporate limits eastward about 2200 feet to the point of beginning.

SEC. 2. That the area described in Section 1 hereof shall be designated as a part thereof and an addition to the Sixth Ward.

Extended area to be included in Sixth Ward.

SEC. 3. That all laws and clauses of laws applicable to the Town of Sanford according to the corporate limits and ward lines as heretofore defined, shall be applicable to the Town of Sanford with the extended boundaries as set forth in Section

Application of existing laws to extended territory.

1 hereof, and the ward lines as set forth in Section 2 as fully as if the extended boundaries and ward lines had been set forth in the original charter of said municipal corporation, and each amendment thereto, and each re-enactment of said charter.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 629 CHAPTER 594

AN ACT TO AMEND SECTION 160-55 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE AUTHORITY OF MUNICIPAL CORPORATIONS TO ABATE NUISANCES.

The General Assembly of North Carolina do enact:

G. S. 160-55, relating to power of municipal corporations to abate nuisances, amended.

SECTION 1. Amend G. S. 160-55 by adding a proviso at the end of said Section, which said proviso shall read as follows:

"*Provided, however,* it shall not be a nuisance for an employee or servant of a railroad company to make necessary smoke when stoking or operating a coal burning locomotive."

G. S. 160-200, Municipal Corporation Act, amended.

SEC. 2. Amend Subsection 32 of G. S. 160-200 by rewriting said Subsection 32 so that the same shall hereafter read as follows:

Regulation of emission of smoke.

"To regulate the emission of smoke within the city but no regulation relative to the emission of smoke shall extend to the acts of an employee or servant of a railroad company in making necessary smoke when stoking or operating a coal burning locomotive."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 636 CHAPTER 595

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF SCOTLAND NECK TO EXERCISE THE POWERS OF POLICE OFFICERS, SO AS TO INCLUDE ALL TERRITORY WITHIN TWO MILES OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Scotland Neck, police authority extended.

SECTION 1. The authority of Police Officers of the Town of Scotland Neck, to make arrests, serve warrants, and otherwise exercise the powers of police officers is hereby extended so as to include all territory within two miles of the corporate limits of Scotland Neck.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 652 CHAPTER 596

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WALLACE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town of Wallace, incorporation and corporate powers.

SECTION 1. Incorporation and Corporate Powers. The inhabitants of the Town of Wallace, North Carolina, within the boundaries as established in Section 3 of this charter or as hereafter established in the manner provided by law, shall continue to be a body public and corporate by name of the Town of Wallace, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Wallace shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Wallace by this Section:

General powers.

Specific powers enumerated.

Taxation.

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general laws; and to levy and collect special assessments for benefits conferred.

Public services and public utilities.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

Public improvements.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire excess over that needed for such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

Police, sanitary, etc., regulations.

(4) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Authority to exercise granted powers.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Enumerated powers not exclusive.

SEC. 2. Enumerated Powers not Exclusive. The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Wallace shall have, and may exercise, all powers which, under the Constitution of North Carolina it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners.

Corporate limits.

SEC. 3. Corporate limits. The corporate limits of the town shall be as follows: Beginning at the whistle-post one-half mile North of the Wilmington and Weldon Warehouse, and runs thence North seventy-three and one-half East one hundred and forty-nine poles to a stake by the Teacheys road, thence with the southwest edge of said road South fifty-five East nineteen poles to a stake, thence South sixteen and one-half East one hundred and twelve poles to a stake at the West edge of Teacheys road, thence with said road South ten West thirty-seven poles to a stake, J. L. Boney's and Dr. Graham's corner; thence their line North eighty-eight and one-half East fifteen poles to a stake, thence with the town line sixteen and one-half East one hundred and sixty-eight poles to a stake, thence South

seventy-three West ninety poles to a stake, C. B. Johnson's line; thence his line South eight poles to a stake, thence South seventy-six and one-half with his line sixty-nine poles to the cattle guard, thence North sixteen and one-half West one pole to the whistle-post, thence South seventy-three and one-half West fifty poles to a stake, J. W. Boney's line; thence his line South sixty West one hundred and nineteen poles to a stake at the edge of Rockfish creek, thence up said creek to G. L. Blanton's corner, thence his line North forty-seven and one-half West six poles to a stake, thence North thirty-four East eighteen poles to a stake, thence South fifty-six West fourteen poles to a ditch, and thence up said ditch with L. B. Carr's and J. G. Southerland's line to a stake, J. G. Southerland's corner; thence G. L. Blanton's line South fifty-six East nine poles to a stake, thence North sixteen and one-half West two hundred and thirty-five poles to a stake in Westbrook's field, thence North seventy-three and one-half East one hundred and sixty poles to the beginning.

Beginning at a point where the western margin of the Teachey's road intersects the center line of the Chinquapin road, said point being S. 11 deg. 30 min. West 57 feet more or less from a corporate boundary monument set in the West edge of said Teachey's road and running thence about N. 53 deg. 45 min. East about 385 feet to a point opposite the western margin of a cross street in M. J. Cavenaugh's addition.

Thence with the western edge of this cross street and beyond and with the common line of lots 16 and 17 and of lots 10 and 11 of the Cora Boney Subdivision and beyond to the center of Bray Street all about S. 11 deg. 30 min. West about 625 feet.

Thence with the center of Bray Street about N. 87 deg. 35 min. West 156 feet to a monument in the corporate line.

Intent of Act as to corporate limits.

It is the intent of the above description to include within the corporate limits the lots 1 to 10 inclusive and 13 and 16 inclusive of the Cora Boney Subdivision and lots 1 to 7 inclusive and the filling station lot as shown on the M. J. Cavenaugh Subdivision.

Creation, salary and composition of mayor and Board of Commissioners.

SEC. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and board of commissioners shall be for two years and until their successors are elected and qualified. If a vacancy occur in the office of mayor or commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance.

Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this Section, or convicted of crime while in office, shall immediately forfeit his office.

Meetings of Board of Commissioners.

SEC. 5. **Meetings of Board of Commissioners.** At seven-thirty P. M. o'clock on the second Thursday following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of commissioners or a committee thereof may by a three-fifth vote of all the members authorize an executive meeting.

Special meetings.

Mayor and Mayor Pro Tempore.

SEC. 6. **Mayor and Mayor Pro Tempore.** At its first meeting following a regular municipal election the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tempore. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the General Laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tempore shall act as mayor during the continuance of the absence or disability.

Board of Commissioners' rules.

SEC. 7. **Board of Commissioners Rules.** The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its

proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior and, by vote of not less than four members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charges against him and given an opportunity to be heard in his own defense.

Quorum.

SEC. 8. Quorum. A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interest are involved.

Introduction and passage of ordinances and resolutions.

SEC. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Wallace."

When ordiances and resolutions take effect.

SEC. 10. When Ordinances and Resolutions take Effect. Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency by the board of commissioners except

Emergency measures.

as defined in this Section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Authentication and publication of ordinances and resolutions.

SEC. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage a notice of such ordinance shall be published or posted at least once in such manner as the board of commissioners may prescribe by ordinance.

Municipal elections.

SEC. 12. Municipal Elections. The regular election for the choice of mayor and members of the board of commissioners shall be held on Tuesday following the first Monday in May in odd numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Regulations of elections.

SEC. 13. Regulations of Elections. The board of commissioners shall make all needful rules and regulations, not inconsistent with this charter, and or the general election law of the State of North Carolina for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud.

Nominations.

Filing fee.

SEC. 14. Nominations. Any qualified elector of the town may file for the office of mayor or the board of commissioners by paying a filing fee to the town clerk in the amount of ($10.00) ten dollars for mayor and ($5.00) five dollars for commissioners and by filing a notice of intention in the following form: I, _____ signify my intention of running for the office of_____ and agree to serve in that capacity if elected.

_____ Signature_____

Date of election

_____

Date filed

Notice of candidacy.

All candidates must file their notice of candidacy not earlier than sixty days or later than fifteen days prior to the date of the municipal election. No candidates name shall be considered filed unless accompanied by the above prescribed fee and the signed statement of his or her acceptance if elected. Any candidate may withdraw his name as a candidate not later than the last day for filing his intention of candidacy, by filing a notice of withdrawal with the town clerk, in no event however will the filing fee be returned. The statements of each candidate shall be preserved by the town clerk until the expiration of the term of office for which he has filed.

Ballots.

SEC. 15. Ballots. The names of candidates nominated for mayor or the board of commissioners in accordance with the pro-

visions of this charter, except as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. There shall be printed 15% more ballots than there are registered voters. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Election of Mayor and Board of Commissioners.

SEC. 16. Election of Mayor and Board of Commissioners. The mayor and board of commissioners shall be elected at large. All candidates in each instance up to the number to be elected who receive the highest number of votes shall be declared elected.

Appointment of officers and employees.

SEC. 17. Appointment of Officers and Employees. The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary: *Provided,* that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Town clerk.

SEC. 18. Town Clerk. The board of commissioners shall choose a town clerk. The town clerk shall keep the records of the board of commissioners and perform such other duties as may be required by law or the board of commissioners.

Duties of town attorney.

SEC. 19. Duties of Town Attorney. The town attorney shall be an attorney at law who shall have been licensed to practice law in the State of North Carolina. He or she shall be the chief legal adviser of and attorney for the town and all departments and offices thereof in matters relating to their official powers and duties. It shall be his or her duty, either personally or by such assistants as he or she may designate, to perform all services incident to the department of law; to attend meetings of the board of commissioners, at their request to give advice in writing, when so requested; to the board of commissioners or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prosecute for all offenses against the ordinances of the town and for such offenses against the laws of the State as may be required of him or her by law; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his or her approval of the

form and correctness thereof; and to perform such other duties of a legal nature as the board of commissioners may by ordinance require. In addition to the duties imposed upon the town attorney by this charter or required of him or her by ordinance or resolution of the board of commissioners he or she shall perform any duties imposed upon the chief legal officers of municipalities by law.

Duties of town tax collector.

SEC. 20. Duties of Town Tax Collector. The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit every three days in the town depository all money belonging to the town.

Duties of town treasurer.

SEC. 21. Duties of Town Treasurer. The town treasurer, if any, shall have custody of and shall disburse all money belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration or exchange.

Issuance of bonds.

SEC. 22. Issuance of Bonds. The town may issue bonds for the purpose and in the manner prescribed by the General Laws of North Carolina for the issuance of bonds by municipalities.

Purchase procedure.

SEC. 23. Purchase procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance.

Contracts for town improvements.

SEC. 24. Contracts for Town Improvements. Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, *provided* the board of commissioners shall have the power to reject any or all bids and advertise

again. Alterations in any contract may be made when authorized by the board of commissioners.

Contracts extending beyond one year.

SEC. 25. Contracts Extending beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town at least ten days before its passage by the board of commissioners.

Independent audit.

SEC. 26. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an aduit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the board of commissioners may accept such audit by the State as fulfilling the requirements of this Section.

Publicity of records.

SEC. 27. Publicity of Records. All records and accounts of every officer and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Personal interest of town officials in contracts, sales, etc., prohibited.

SEC. 28. Personal Interest. Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies, or services, except on behalf of the town as an officer or employee. Any willful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Violation shall constitute malfeasance in office.

Oath of office.

SEC. 29. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

Form.

I solemnly swear (or affirm) that I will support the Constitution and obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Wallace and will faithfully discharge the duties of the office of _____.

Continuance of contracts.

SEC. 30. Continuance of Contracts. All contracts entered into by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Saving clause.

SEC. 31. Saving Clause. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Wallace is affected thereby.

Repealing clause.

SEC. 32. Repealing Clause. That all laws and clauses of laws inconsistent with this Act are hereby repealed.

Effective date.

SEC. 33. This Act shall be in full force and effect from and after its ratification, *provided* that the mayor and board of commissioners in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 658 CHAPTER 597

AN ACT TO AMEND G. S. 115-31.2 BY ADDING PROVISIONS RELATING TO THE CREATION AND ENLARGEMENT OF SCHOOL DISTRICTS OR CITY ADMINISTRATIVE UNITS EMBRACING CONTIGUOUS PORTIONS OF TWO OR MORE COUNTIES.

The General Assembly of North Carolina do enact:

G. S. 115-31.2, amended as to power of State Board of Education to divide State into school districts.

"School district" defined.

SECTION 1. Paragraph 3 of G. S. 115-31.2 is rewritten to read as follows: "The State Board of Education shall have power to divide the State into a convenient number of school districts. Such a school district may be entirely in one county or may consist of contiguous parts of two or more counties. The term 'school district' as used in this Section includes city administrative units and all other kinds of school districts referred to in this Chapter."

SEC. 2. In all cases where the State School Commission or the State Board of Education has heretofore created or enlarged a school district embracing contiguous portions of two or more counties, such action is hereby ratified and confirmed, and all enlargements of such school district made pursuant to G. S. 115-361 are likewise hereby ratified and confirmed. The term "school district" as used in this Act includes city administrative units and all other kinds of school districts referred to in Chapter 115 of the General Statutes.

Prior creation or enlargement of districts ratified.

"School district" defined.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 672 CHAPTER 598

AN ACT TO AMEND G. S. 160-175 RELATING TO THE ADVERTISEMENT OF NOTICE OF CHANGES IN ZONING REGULATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 160-175 is amended by rewriting the last sentence in said Section to read as follows:

G. S. 160-175, amended as to notice of public hearings on zoning regulations, Granville County.

"A notice of such public hearing shall be given once a week for four successive calendar weeks in a newspaper published in such municipality, or, if there be no newspaper published in the municipality, by posting such notice at four public places in the municipality, said notice to be published for the first time or posted not less than thirty days prior to the date fixed for said hearing, *provided* that this Act shall apply only to Granville County."

Publication or posting of notice.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 687 **CHAPTER 599**

AN ACT AUTHORIZING THE USE OF THE WATERS OF, AND THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF LOW-HEAD DAMS AND VEHICULAR BRIDGES IN AND ACROSS, THE NEUSE RIVER FOR STEAM ELECTRIC GENERATING PLANTS.

The General Assembly of North Carolina do enact:

Use of waters of Neuse River in operation, etc., of certain steam electric plants.

SECTION 1. That any person, firm, or corporation engaged in the business of generating, transmitting, distributing and selling electric power and energy to the public in this State is hereby authorized, subject to the approval hereinafter provided for, to make use of the waters of Neuse River from its confluence with Little River near the City of Goldsboro, in Wayne County, to Neuse Station, in Wake County, for cooling and other purposes in the operation, maintenance or protection of any steam electric generating plant hereafter located on or near the banks of said river; that in connection therewith any such person, firm, or corporation is authorized to construct, maintain and operate a low-head dam and a vehicular bridge in and across Neuse River at or near the site of any such steam electric generating plant; *provided,* that the work shall not be commenced until the locations and plans thereof have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of the Army, and permits for construction have been issued by them, pursuant to Section 401, Title 33, United States Code, or other applicable laws of the United States; and *provided further,* that this Act shall not be construed to authorize the use of such dam to develop water power or to generate hydroelectric energy.

Construction of low-head dam or vehicular bridge near site of plant.

Approval of locations and plans.

Permits for construction.

Construction and maintenance of dam or bridge shall conform to approved plans.

SEC. 2. That the construction and maintenance of any dam or bridge pursuant to this Act shall conform to the plans approved in the manner provided herein, notwithstanding the provisions of other laws or clauses of laws which may be in conflict with this Act.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 703 CHAPTER 600

AN ACT TO AMEND SECTION 7-110 OF THE GENERAL STATUTES TO PROVIDE FOR THE TRANSFER OF CASES FROM THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend General Statutes 7-110 as follows: By inserting immediately following the word "court" in line 3 of said Section the following: "and the clerks of any inferior criminal courts of the county"; and inserting in line 4 of said Section following the words "Superior Court" and before the word "to" the following: "and from any inferior criminal courts of the county".

G. S. 7-110, amended to provide for transfer of cases from inferior criminal courts to domestic relations courts.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 709 CHAPTER 601

AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Every person, firm, association or corporation, who shall engage in the business of signing, executing, and becoming surety on appearance bonds in any court in Bladen County for a fee or compensation and any person or persons employed by such person, firm, association or corporation in such business shall apply for and obtain from the County of Bladen, and each city or town in said county in which such business is engaged in, a license for the privilege of engaging in such business. The amount of said license tax shall be fixed by the Board of County Commissioners of Bladen County and the governing bodies of the cities and towns therein, and shall not be in excess of the maximum which counties, cities and towns are authorized to levy on professional bondsmen, under the provisions of the Revenue Act of the State of North Carolina, as amended. Said license shall be for a period of one year and shall expire on the thirty-first day of May of each year.

Bladen County, license required of professional bondsmen.

License tax.

Period of license.

SEC. 2. In addition to the privilege license provided for in Section 1 of this Act, every person, firm, association or corporation, who shall engage in the business of signing, executing and becoming surety on appearance bonds in any court in Bladen

Deposit with Clerk of Superior Court required.

County for a fee or compensation, shall, as a condition precedent to signing, executing, and becoming surety upon any appearance bond, deposit with the Clerk of the Superior Court of Bladen County not less than five thousand dollars ($5000.00) in cash or marketable securities approved by the clerk and shall, at the same time, post an agreement with the Clerk of the Superior Court of Bladen County that such cash or marketable securities shall, at all times, be available for the purpose of the payment of any bonds signed by such person, firm association or corporation, which has been declared by the court to be forfeited. If the amount of any such forfeited bond is not paid within ten days from the date of the forfeiture, the Clerk of the Superior Court of Bladen County is authorized to apply the amount of the forfeiture out of said deposit and the person, firm, association, or corporation, whose deposit is thus reduced, shall immediately, upon notice by the Clerk of the Superior Court of Bladen County, deposit an additional sum with the Clerk of the Superior Court of Bladen County in order that the deposit shall always be in at least the sum of five thousand dollars ($5000.00), either in cash or marketable securities.

Procedure in forfeiture cases.

Fees of bondsmen regulated.

SEC. 3. No person, firm, association, or corporation, who shall execute or become surety upon any appearance bond in any court in Bladen County, shall charge as a fee therefor, and for all services in connection therewith, an amount in excess of five per cent (5%) of the amount of said bond, *provided* that a minimum fee of five dollars ($5.00) is allowed where the amount of the bond is one hundred dollars ($100.00) or less.

Eligibility of attorneys as bondsmen.

SEC. 4. No licensed attorney, or his wife, child or member of his household shall become surety on any appearance bond in a criminal action instituted or pending in any court in Bladen County in which such attorney appears.

Violations made misdemeanor.

SEC. 5. Any person, firm, association, or corporation, who shall engage in the business defined in Section 1 of this Act without securing the privilege license and making the deposit required by this Act, or who violates any of the other provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court, and conviction under this Act shall carry with it revocation of the license provided for herein.

Qualification of bondsmen.

SEC. 6. The Board of Commissioners of Bladen County shall not issue the license provided for in this Act, unless and until said board is satisfied from an affirmative showing made by the applicant that said applicant is a person of good moral character, and said board shall be the sole judge as to whether an applicant is a person of good moral character for the purpose of being licensed under this Act.

SEC. 7. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina. Bonding companies licensed by State exempt from Act.

SEC. 8. That this Act shall apply to Bladen County only. Application of Act.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 785 CHAPTER 602

AN ACT TO AMEND GENERAL STATUTES SECTION 161-10 FIXING FEES OF REGISTER OF DEEDS AS IT APPLIES TO GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the third paragraph of General Statutes of North Carolina 161-10 be repealed. G. S. 161-10, amended as to fees of Register of Deeds, Guilford County.

SEC. 2. This Act shall apply to Guilford County only.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 802 CHAPTER 603

AN ACT REGULATING THE SALARIES OF CERTAIN OFFICERS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff, the Register of Deeds, the Treasurer and the Auditor of Wake County shall each receive a salary of fifty-five hundred dollars ($5500.00) per annum, payable in equal monthly installments, in full for his services as such county officer. Wake County, salary of Sheriff, Register of Deeds, Treasurer and Auditor.

SEC. 2. That the Coroner of Wake County shall receive a salary at the rate of twenty-seven hundred dollars ($2700.00) Salary of Coroner.

per annum, payable in equal monthly installments, in full for his services as such officer.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. That this Act shall be in full force and effect from and after the first day of July, 1949.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 803 CHAPTER 604

AN ACT TO AMEND SECTION ONE OF CHAPTER 491 OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF 1919, RELATING TO THE COMPENSATION OF THE RECORDER OF MIDDLE CREEK TOWNSHIP IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 491, Public-Local Laws, 1919, amended.

SECTION 1. Section 1 of Chapter 491 of the Public-Local Laws of the Session of 1919 is hereby rewritten so that said Section 1 shall hereafter read as follows:

Wake County, salary of Recorder, Fuquay Springs Recorder's Court.

"SECTION 1. On and after July 1, 1949, the Recorder of the Recorder's Court of Middle Creek, Panther Branch, Holly Springs, and Swiftcreek Townships, as created and established by Chapter 280 of the Public-Local Laws of North Carolina, Session of 1917, and Acts amendatory thereto, shall receive a salary of not less than forty dollars ($40.00) and not more than fifty dollars ($50.00) per day while actually engaged in holding said court, the amount of said salary to be fixed by the Board of Commissioners of the Town of Fuquay Springs, North Carolina; which said salary shall be paid monthly by the said board of commissioners; *provided, however,* that the said salary shall not exceed the sum of thirteen hundred dollars ($1300.00) during any fiscal year."

Limitation on salary.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 823 CHAPTER 605

AN ACT TO AMEND G. S. 105-404, RELATING TO THE REMITTANCE OF INHERITANCE TAXES UNCOLLECTED AFTER TWENTY YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 105-404 is hereby amended by adding the following sentence at the end thereof:

G. S. 105-404, uncollected inheritance taxes remitted after 20 years, amended.

"The provisions of this Section shall be retroactive from the date of its enactment."

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 827 CHAPTER 606

AN ACT TO REGULATE THE FEES OF THE VARIOUS JUSTICES OF THE PEACE OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the various Justices of the Peace of Nash County shall receive the following fees and none other: Issuing summons, seventy cents (70c) when there is one defendant, and twenty cents (20c) for each additional defendant; trial and/or judgment, two dollars ($2.00); docketing judgment, twenty-five cents (25c); transcript of judgment, fifteen cents (15c); issuing subpoena, twenty-five cents (25c) for each witness; taking affidavit, thirty-five cents (35c); jury trial and verdict, one dollar ($1.00); issuing execution, fifty cents (50c); return to notice of appeal, fifty cents (50c); warrant of arrest in criminal actions, one dollar ($1.00); warrant of commitment, fifty cents (50c); issuing claim and delivery papers, including summons, affidavit, bond, order to seize property and the trial of the same if issues are joined, two dollars and fifty cents ($2.50); issuing attachment papers, including application, affidavit, bond and order to seize property, two dollars and fifty cents ($2.50); recognizing witnesses, fifteen cents (15c) each witness; affidavit and order of removal, fifty cents (50c); capias and order, one dollar ($1.00); probate or acknowledgment of deed, chattel mortgage or other paper writing, twenty-five cents (25c) for each signer thereof; taking any bond, fifty cents (50c); allotting widow's year's allowance, two dollars and fifty cents ($2.50); taking depositions, twenty cents (20c) each copy sheet; garnish-

Nash County, fees of Justices of the Peace.

ment of taxes, fifty cents (50c); issuing notices, twenty cents (20c) each copy; filing and docketing lien, seventy-five cents (75c); all orders, including order of publication, thirty-five cents (35c).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 842 CHAPTER 607

AN ACT TO AMEND CHAPTER 366 OF THE PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, THE SAME BEING THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Ch. 366, Public-Local Laws, 1939, Charter of City of Charlotte, amended.

SECTION 1. That Chapter 366 of the Public-Local Laws of 1939, as amended, be amended by striking out Section (2) thereof in its entirety and substituting in lieu thereof a new Section (2) reading as follows:

Corporate boundaries redefined.

"SEC. (2). The corporate boundaries of the City of Charlotte shall be as follows:

"Beginning at a point at the intersection of the center line of Beatties Ford Road and the center line of Lincoln Boulevard, thence in an easterly direction to the center line of the bridge over Irwin Creek on Statesville Avenue, thence in an easterly direction to the center line of the Southern Railway at a point 800 feet North of the intersection of the center line of Atando Avenue and Hutchinson Avenue; thence in an easterly direction to a point in the center line of North Tryon Street 230 feet North of the intersection of the center line of Creosote Road; thence in a southeasterly direction parallel with and 230 feet from the center line of Creosote Road and crossing the Southern Railway to a point in the present city limits; thence with the present city limits in an easterly direction to the center of the bridge over the Norfolk and Southern Railway on the Plaza; thence with the present city limits in a southeasterly direction 230 feet to a point (present city limits corner), thence in a southerly direction to a point in the center of Herrin Avenue extended, 1750 feet East from the center line of the Plaza; thence in an easterly direction to a point on the East property line of Eastway Drive (formerly Hickory Grove Road) 230 feet North of the center line of Ridge Road; thence in a southeasterly direction, a distance of 5600 feet to a point 230 feet East of

City of Charlotte, corporate boundaries (cont'd).

the center line of Eastway Drive; thence in a southerly direction 230 feet East of and parallel to the center line of Eastway Drive to the center line of Commonwealth Avenue; thence in a southwesterly direction crossing the Monroe Road and S. A. L. Railway track to a point in center of Sardis Road, which point is southeast 360 feet and at right angles to center line of Wendover Road; thence in a southwesterly direction, and parallel to Wendover Road to a point in the center of Providence Road, 360 feet southeast of the center line of Providence Road and Wendover Road; thence in a southwesterly direction and parallel to the center line of Morrison Boulevard to a point in the center line of Sharon Road; thence in a southwesterly direction with present city limit line to its intersection to Myers Park High School property line in a new corner 2410+ feet, thence in a southerly direction with the dividing lines of Myers Park High School and Myers Park Club to a stone corner in branch, thence in a westerly direction with the dividing property lines of Myers Park High School and Mrs. Sara L. Morrison to a new corner on the present city limit line on the West bank of Briar Creek, a new corner, thence along the West bank of Briar Creek to the East property line of Park Road; thence along the East property line of Park Road to the East bank of Sugar Creek; thence along the East bank of Sugar Creek to a point new corner 817+ feet southerly from present corner in the center line of Hillside Avenue extended and at its intersection with Sugar Creek; thence in a westerly direction with the dividing property lines of the board of school commissioners, H. G. Ashcraft and A. C. Reece crossing Park Road to a corner 233.4+ feet West of the center line of Park Road, thence in a northerly direction 230 feet West of and parallel to Park Road to a concrete monument, which is a corner of the present city limits; thence in a northerly direction 230 feet West of and parallel to Park Road, to the point of intersection with the extension of the rear property lines of Lots 9 and 10 (see Map Book 230, Page 155, Register of Deeds Office), thence northwesterly with above property line to a point at the intersection of Selwyn Farm property line; thence in a straight line and parallel to section of Marsh Road at this point in a northwesterly direction to a point which is a corner of the present city limits, 350+ feet West of South Tryon Street; thence in a northwesterly direction with present city limit line 632+ feet a new corner on the dividing property line of the board of school commissioners and George A. Howell, thence with the said dividing property line southwesterly to an iron stake corner in a small branch, thence with a second dividing property line of said school commissioners and Howell northwesterly to an iron stake corner in a branch, thence with the dividing property lines of the board of school commissioners and the City of Charlotte northeasterly to an iron stake corner, thence northeasterly with school property 1155+ feet to an iron stake, thence with the dividing property line of the board of school commissioners and Harriet N. San-

ders southeasterly 150+ feet to a new corner on the present southwesterly city limit line, thence southwesterly with present city limit line to a point in the center of Wilkinson Boulevard 230 feet West of the center line of Edgemore Street, thence in a northwesterly direction 230 feet West of and parallel with Edgemore Street to the center line of Fairfax Street extended; thence in a northeasterly direction 230 feet East of and parallel with Clarendon Avenue to the property line of the Cannon Airport, thence in a northerly direction to a corner in Cannon Airport property, approximately 450 feet South of the center line of Rodger Street; thence along Cannon Airport property line to the center line of the Tuckaseegee Road 230 feet West of the center line of Emerson Drive; thence in a northeasterly direction 230 feet West of and parallel with the center line of Emerson Drive for a distance of 1200 feet, thence in a northeasterly direction to a point in the center line of Rozzells Ferry Road at its intersection with the center line of S. A. L. Railway, thence in a northeasterly direction to the center line of Locust Street at its intersection with the North property line of Aurora Avenue, thence along the North property line Aurora Avenue to a point in the center of Beatties Ford Road, thence with center line of Beatties Ford Road South 30+ feet to the point of beginning."

Section dividing City into wards repealed.

SEC. 2. That Chapter 366 of the Public-Local Laws of 1939, as amended, be amended by striking out in its entirety Section (3) thereof and renumber subsequent Sections thereof.

Sec. 9, as to notice of candidacy, amended.

SEC. 3. Further amend Chapter 366 of the Public-Local Laws of 1939, as amended, by striking out in Section (9) thereof the word "ward" and substituting in lieu thereof the word "precinct".

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 853 CHAPTER 608

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY TO FIX JAIL FEES THEREIN.

The General Assembly of North Carolina do enact:

Transylvania County, jail fees.

SECTION 1. The Board of County Commissioners of Transylvania County is hereby authorized, in its discretion, to fix jail fees for all prisoners held in the jail of Transylvania County at a figure not to exceed one dollar ($1.00) per day per prisoner.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 863 CHAPTER 609

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROPER AS DESCRIBED IN CHAPTER 24 OF THE PRIVATE LAWS OF 1907.

The General Assembly of North Carolina do enact:

Town of Roper, corporate limits redefined.

SECTION 1. That the corporate limits of the Town of Roper, as described in Chapter 24 of the Private Laws of 1907, be and the same are hereby revoked and repealed and that the corporate limits of the said Town of Roper be and the same are hereby established as follows:

Description of boundaries.

Beginning on the North side of the highway leading from Roper to Plymouth at the common corner of E. R. Boney and J. C. Knowles lands, the said Boney land being heretofore owned by W. T. Spruill, and running thence northwestwardly at right angles from the said road 150 feet, and running thence eastwardly parallel with the said highway to the lot fence of the said E. R. Boney; thence northwardly along the said fence to an angle in said fence about 50 feet from the back of the main dwelling; thence eastwardly along said fence to a point 150 feet from the West side of the Cross Road; thence northwardly along a line 150 feet parallel to and from the said Cross Road to a point 150 feet South of the Horton Town Road; thence westwardly a line parallel with the Horton Town Road to the first branch; thence down said branch to Beaver Dam Branch; thence down Beaver Dam Branch to the center of Kenderick's Creek; thence down the center of Kenderick's Creek to John L. Roper Lumber Company and Joe Nowarah's corner; thence

southwardly with said line to a point 310 feet North of the State highway leading through the Town of Roper, now U. S. 64; thence eastwardly parallel with said State highway to the center of Deep Run Canal; thence up the center of said Deep Run Canal to W. R. Swain's corner; thence South 42 degrees 20′ West 139 feet to a corner; thence South 25 degrees 20′ West 159 feet to a corner; thence South 10 degrees 45′ West 350 feet to a sycamore tree on the edge of a lane; thence down said land a southerly course to the town ditch; thence southwardly along the said town ditch to a lane between Peacock and Gaylord land; thence northwardly along said lane to a ditch East of the colored church; thence westwardly along said ditch to the East side of the old Norfolk Southern Railroad right of way, now John L. Roper Lumber Company; thence southwardly along the said railroad right of way to the said town ditch; thence crossing the said railroad right of way and running southwestwardly to a large oak at the end of Boush Street and the beginning of the Mill Pond Road; thence westwardly along the said Mill Pond Road to the first corner of the Leary Land; thence westwardly to the South end of Walker Street; thence crossing Walker Street and running westwardly to a point 150 feet West of Walker Street; thence northwardly parallel to and 150 feet from Walker Street to the said town ditch; thence along the said town ditch to the Mill Pond; thence crossing the Mill Pond northwardly to the mouth of a ditch that leads from the farm of E. R. Boney; thence along said ditch to the Mill Pond Road; thence westwardly along a dirt road and along the line of E. S. Knowles to the said highway, U. S. 64; thence crossing the said highway to the beginning.

Lien for unpaid taxes on land excluded unaffected.

SEC. 2. That the lien for unpaid taxes for the year 1949 and for years prior thereto on any lands excluded from the corporate limits of the Town of Roper by this Act is retained by the said Town of Roper until the said unpaid taxes and interest shall have been paid in full, with the same right and privilege to foreclose the said tax liens as fully as if the said land were still in the corporate limits of the said Town of Roper.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 884 **CHAPTER 610**

AN ACT AUTHORIZING THE CREATION OF THE AIRPORT COMMISSION OF FORSYTH COUNTY AND PRESCRIBING THE POWERS AND DUTIES OF SAID COMMISSION.

The General Assembly of North Carolina do enact:

Definitions.

SECTION 1. In this Act, unless the context otherwise requires "County" means Forsyth County.

"County Commissioners" means Board of Commissioners for the County of Forsyth.

"Commission" means Airport Commission of Forsyth County.

"Airport" means any airport or landing field owned or controlled by Forsyth County or the Board of Commissioners for the County of Forsyth, or any such airport or landing field under the jurisdiction of the Airport Commission of Forsyth County.

"Person" included any person, partnership, corporation, or other legal entity.

Airport Commission of Forsyth County created.

SEC. 2. There is hereby created a body politic and corporate, which shall be styled "Airport Commission of Forsyth County".

Membership.

SEC. 3. The Commission shall consist of five members who shall be citizens of Forsyth County. The members shall be elected by the county commissioners. The terms of the members first elected shall expire as follows as designated by the county commissioners: The terms of two members on December 31 next following their election, the terms of two other members on the second December 31 following their election, and the term of the one other member on the third December 31 following his election. Thereafter in December of each year members shall be elected or reelected for full terms of three years to succeed those whose terms expire in that month.

Terms of members.

Officers of Commission.

SEC. 4. The officers of the Commission shall be a chairman, a vice chairman, a secretary and a treasurer, all of whom shall be members thereof. The offices of secretary and treasurer may be held with any other office. Officers shall serve for a term of one year beginning on January 1 and ending on December 31 in each year, except that the terms of the first officers elected shall expire on December 31 next succeeding their election. Members and officers of the Commission shall serve without compensation unless such compensation is ordered and fixed by the county commissioners. The Commission shall have the power to elect an assistant secretary, and an assistant treasurer, who need not be members of the said Commission, and both of said offices may be held by the same person. The county commissioners may limit the payment of compensation to members and officers of the Commission out of funds derived from the opera-

Terms of officers.

Compensation.

Election of assistant secretary and assistant treasurer.

Payment of compensation.

Quorum.

tion of the airports and landing fields over which the said Commission has control. A majority of the members of the Commission shall constitute a quorum.

Powers of Commission.

SEC. 5. The Commission shall have the following powers, all of which are expressly subject to the limitations hereinafter set out in Section 6 of this Act:

To sue and be sued.

1. To sue in any court of competent jurisdiction for the purpose of carrying into effect any of the powers or duties imposed by this Act, or for the purpose of enforcing any contract or other obligation or liability to the Commission; and to be sued in any court of competent jurisdiction as to any cause of action not prohibited by this Act or any other law.

Rules governing manner of execution of powers.

2. To make rules, not inconsistent with this Act, governing its procedure and the manner of executing its powers and duties.

Exercise of certain powers relating to control, etc., of airports.

3. To exercise all powers of the county and the county commissioners under Chapter 63 of the General Statutes of North Carolina of 1943 and all laws now in effect or hereafter adopted relating to the control, management, lease, equipment, improvement, maintenance, operation, and regulation of airports, except

Restriction on powers.

that it shall have no power to institute proceedings for the condemnation of property or any rights therein, to levy taxes, to issue bonds, or to create any debt against the county which shall constitute a general liability of said county or be enforceable as to the property of said county or any of its citizens, except airport property.

Employment of personnel.

4. To employ persons, fix their compensation and assign their duties. Any person employed by the Commission or any officer of the Commission shall be removable by a majority vote of the Commission at any time, with or without cause, and without the necessity of assigning any reason for such removal.

Rates and charges for airport facilities and services.

5. To fix the rates and charges for all facilities and services at any airport or landing field owned or controlled by Forsyth County or the county commissioners including the following, this enumeration not being exclusive:

(a) Prices of gasoline and oil

(b) Rates for local flights with airplanes and pilot

(c) Rates of hire of airplanes without pilot

(d) Rates of hire of pilot and per diem charges

(e) Charges for storage of airplanes

(f) Charges for instruction in flying

(g) Rental of office space, machine shop, hangar space and charges for other facilities and services to established commercial air lines and private fliers.

In establishing such rates and charges it shall consider the following factors:

(a) Charges made by other similar established airports in North Carolina.

(b) The profit or loss of establishing, maintaining, or operating the facility or service for which a charge is made.

(c) The effect of the charge on those members of the public who will use or will be likely to use such facility or service.

Rules and regulations governing operation and use of airport.

6. To make all rules and regulations governing the operation and use of any airport or landing field owned or controlled by Forsyth County or the county commissioners which are not inconsistent with lawful rules and regulations of any department or agency of the United States or of the State of North Carolina established and existing from time to time, which rules and regulations shall be public and shall be published as the Commission shall prescribe.

Contracts of lease, license, concession, etc.

7. To enter into contracts of lease, license, concession, or otherwise with any person, partnership, or corporation for the operation and maintenance of the facilities or services of any airport or landing field owned or controlled by the county or the county commissioners for such rental and on such terms as shall be agreed upon in writing, which said contracts shall be expressly subject to the powers of regulation and control by the Commission as prescribed by this Act.

Collection of revenues derived from airports.

8. To collect all revenue derived from any airport and any other funds to which the Commission shall be entitled by any other provision of this Act or any subsequent Act.

Borrow money, execute notes, etc.

9. To borrow money in its own name upon such terms as shall be approved by the Commission, and to execute in the name of the Commission, by such officers as may be designated by it, notes, bonds or contracts for the repayment thereof, and to pledge for the payment thereof the revenues and property of any airport, but no such loan or pledge shall constitute an obligation of Forsyth County nor a general charge against or debt of such county, nor shall taxes be levied, directly or indirectly, for the payment of any debt incurred by the Commission under the power conferred by this paragraph, unless so ordered by the county commissioners by virtue of authority conferred by law, and the county commissioners shall not in any case be compelled to exercise such power.

Expenditure of revenues or funds.

10. To expend revenues or funds to which the Commission is entitled under this Act or any other Act for any purposes authorized by this Act, by Chapter 63 of the General Statutes of North Carolina of 1943, and any present or future Act relating to airports, for such purposes and in such manner as the Com-

mission shall prescribe for the purpose of carrying into effect any of its powers or duties under this Act or any other Act.

To name airports.

11. To name any airport under the jurisdiction of the Commission.

Acquisition of assets, etc., of Forsyth County Airport Commission, Inc.

12. To acquire from Forsyth County Airport Commission, Inc., a non-profit corporation organized and existing under the laws of the State of North Carolina, all of its assets, and to assume all of its liabilities and obligations, including subleases and contracts of every nature and kind, to the end that the corporation organized by this Act may continue the performance of all of the contracts and obligations of the said private corporation.

Party to proceedings before Civil Aeronautics Board, etc.

13. To make itself a party to and as such party to appear in any proceeding, or to appear in any proceeding in any manner allowed by law, before the Civil Aeronautics Board, or any other board, commission, official or agency of the United States or of the State of North Carolina or of any other state or territory or the District of Columbia in which the Commission, through a majority of its members, shall deem the interests of Forsyth County or of its citizens to be interested, and to take any action which is deemed necessary or appropriate for asserting or protecting the interests or rights, or both, of Forsyth County, the Commission, or the citizens of Forsyth County.

Certain airport revenues to be property of Commission.

SEC. 6. All revenues of any airport derived from charges for facilities and services, from leases, licenses, concessions and other contracts, from gifts, and from all other sources of revenue for airport purposes, other than taxes or notes or bonds issued by Forsyth County or the county commissioners, shall be the property of the Commission. The Commission shall receive no revenues derived from taxes or bonds of the county except upon appropriation by the county commissioners in the manner provided by law.

Supervision and inspection of financial records of Commission.

SEC. 7. All of the financial records of the Commission shall be subject to the supervision and inspection of the county accountant or such other officer or agent of the county as shall be designated by the county commissioners, and the Commission shall make such reports from time to time as shall be required by the county commissioners.

Bond of treasurer.

The treasurer of the Commission shall give a bond in such amount as shall be fixed by the Commission, which bond shall be payable to the Commission and shall be conditioned upon the faithful performance of his duties as treasurer and his making a lawful accounting of all funds as treasurer of the Commission.

Zoning, etc., powers of City and County unaffected.

SEC. 8. Nothing contained in this Act shall prevent Forsyth County or the City of Winston-Salem, or both of them, from exercising any right or power of condemnation or of zoning which they or either of them would otherwise have.

SEC. 9. The powers conferred upon the Commission by this Act are hereby declared to be governmental, and the Commission and all of its members shall be exempt from any claim, demand, or action arising out of or in any manner connected with the execution of the powers conferred herein.

Powers of Commission declared governmental.

Exemption from claims arising from execution of authority.

SEC. 10. This Act is hereby declared to be divisible, and if any part thereof shall be declared invalid or unconstitutional, all of the other parts thereof shall remain in full force and effect.

Partial invalidity section.

SEC. 11. All laws and clauses of laws in conflict with this Act or any part thereof are, to the extent of such conflict, hereby repealed.

Conflicting laws repealed.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 885 CHAPTER 611

AN ACT AMENDING CHAPTER 520 OF THE PUBLIC-LOCAL LAWS OF THE STATE OF NORTH CAROLINA FOR THE YEAR 1937 RELATING TO THE COST OF TYPEWRITTEN TRANSCRIPTS TO BE FURNISHED BY THE OFFICIAL COURT REPORTER FOR FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 8 of Chapter 520 of the Public-Local Laws of the State of North Carolina for the year 1937 is hereby amended by striking from said Section 8 the word "thirty", wherever it appears therein, and by inserting in lieu thereof the word "fifty".

Ch. 520, Public-Local Laws, 1937, amended as to cost of transcripts of Court Reporter, Forsyth County.

SEC. 2. Section 9 of Chapter 520 of the Public-Local Laws of the State of North Carolina for the year 1937 is hereby amended by striking from said Section 9 the word "ten", wherever it appears in said Section, and by inserting in lieu thereof the word "twenty".

Chapter further amended to increase cost of copies of transcripts.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 902 CHAPTER 612

AN ACT TO AMEND CHAPTER 172 OF THE SESSION LAWS OF 1945 RELATING TO COMPENSATION OF DEPUTY OR ASSISTANT CLERK OF THE SUPERIOR COURT IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 172, Session Laws, 1945, amended as to compensation of assistant or deputy Clerk Superior Court, Surry County.

SECTION 1. Chapter 172 of the Session Laws of 1945 is hereby amended by striking out the words "nine hundred and sixty" in line 4 of Section 2 of said Chapter, and by inserting in lieu thereof the words "twelve hundred", and by striking out the figures "$960.00" in line 5 of Section 2 of said Chapter and by inserting in lieu thereof the figures "$1200.00".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 925 CHAPTER 613

AN ACT TO AMEND CHAPTER 909 OF THE SESSION LAWS OF 1945, RELATING TO THE ELECTION OF THE WASHINGTON COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Ch. 909, Session Laws, 1945, amended as to election and terms of County Commissioners, Washington County.

SECTION 1. Section 6 of Chapter 909 of the Session Laws of 1945 is hereby amended by striking out the words "at the next general election" which appear after the word "elected" and before the word "and" in lines 19 and 20 of said Section.

SEC. 2. Section 6 of Chapter 909 of the Session Laws of 1945 is hereby amended by adding at the end of said Section the following:

"At the general election of Washington County, held in 1950 for the election of county commissioners, the candidate for county commissioner from Plymouth Township, District No. 1, receiving the highest number of votes, the candidate for county commissioner from Lees Mills Township, District No. 2, receiving the highest number of votes, and the candidate for county commissioner from Scuppernong Township, District No. 4, receiving the highest number of votes, shall be elected for a term of four years. The candidate for county commissioner from Plymouth Township, District No. 1, receiving the second highest number of votes, and the candidate for county commissioner from Skin-

nersville Township, District No. 3, receiving the highest number of votes, shall be elected for a term of two years. Thereafter, upon the expiration of the terms of office of the respective commissioners, all of said commissioners shall be elected for a term of four years from their respective districts as now by law provided, it being the purpose and intention of this Act to have at least two old members on the Washington County Board of Commissioners at all times."

Purpose of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 927 **CHAPTER 614**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN OFFICER FOR THE ENFORCEMENT OF THE ALCOHOLIC BEVERAGE CONTROL LAWS IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The County Commissioners of Washington County are hereby authorized and empowered, in their discretion, to appoint an officer whose duty it shall be to enforce the alcoholic beverage control laws, exclusively. The county commissioners shall pay such officer a salary which shall be fixed in their discretion, not to exceed one hundred seventy-five dollars ($175.00) per month, and to be paid out of the profits derived from the operation of Alcoholic Beverage Control Stores.

Washington County, appointment of A.B.C. law enforcement officer.

Salary.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 931 CHAPTER 615

AN ACT TO REPEAL CHAPTER 250 OF THE PUBLIC-LOCAL LAWS OF 1933, AS AMENDED, RELATING TO PAY OF JURORS, AND TO REPEAL CHAPTER 168 OF THE PUBLIC-LOCAL LAWS OF 1931, RELATING TO THE ESTABLISHMENT OF A JURY COMMISSION IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Cited Public-Local Laws, as to pay of jurors, Yancey County, repealed.

SECTION 1. Chapter 250 of the Public-Local Laws of 1933 and Chapter 285 of the Public-Local Laws of 1941, relating to the pay of jurors in Yancey County, are repealed.

Ch. 168, Public-Local Laws, 1931, relating to jury commission, repealed.

SEC. 2. Chapter 168 of the Public-Local Laws of 1931, as amended by Chapter 113 of the Public-Local Laws of 1933, relating to the establishment of a jury commission in Yancey County, is repealed.

Application of general law of State as to pay of jurors.

Jury commission abolished.

SEC. 3. It is the intent and purpose of this Act to repeal all local laws relating to the pay of jurors in Yancey County and to place Yancey County under the general law of this State relative to the pay of jurors therein. It is the further purpose of this Act to abolish the jury commission heretofore created by statute for Yancey County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 933 CHAPTER 616

AN ACT RELATING TO THE MOREHEAD CITY RACING COMMISSION.

The General Assembly of North Carolina do enact:

Ch. 75, Public-Local Laws, 1941, repealed.

SECTION 1. Chapter 75 of the Public-Local Laws of 1941 is hereby repealed.

Ch. 540, Public-Local Laws, 1939, relating to Morehead City Racing Commission, amended.

SEC. 2. The last paragraph of Subsection (b) of Section 2 of Chapter 540 of the Public-Local Laws of 1939 is hereby amended by striking out all of said paragraph and inserting in lieu thereof the following:

Payment of 10% of gross receipts from racing operations.

"Second. In the event such franchise or privilege is granted, the person, firm, association, or corporation shall also pay to the commission for each day or part of day during which races

or racing is conducted, a sum equivalent to ten per cent (10%) of the gross receipts derived from all sources or operations connected with or incident to the operation of such races or racing conducted during such day or part of day. In no event, however, the amount so paid to exceed the amount of five thousand dollars ($5,000.00) per day and said amount to be paid in addition to any tax as may be now or hereafter fixed by law on such gross receipts."

Maximum payment.

The term "sum equivalent to ten per cent (10%) of the gross receipts derived from all sources" referred to above shall mean (a) ten per cent (10%) of the first monies received, derived from the operations of the Pari Mutuel machines, after the direct return to the bettors shall have been made; (b) ten per cent (10%) of all paid admissions to the enclosure; (c) ten per cent (10%) of the gross sales made by any concession located within the enclosure; (d) ten per cent (10%) of all breaks; (e) ten per cent (10%) of all unredeemed mutual tickets after a period of five years from date of issue; (f) ten per cent (10%) of all other sources of revenue from whatever source derived.

Interpretation of term "sum equivalent to 10% of gross receipts from all sources."

SEC. 3. All Acts heretofore taken by the Morehead City Racing Commission are ratified and approved.

Prior acts of Commission validated.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 949 CHAPTER 617

AN ACT TO FIX THE MINIMUM FEE FOR THE REGISTER OF DEEDS OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The minimum fee for any paper writing to be recorded in the office of the Register of Deeds of Cumberland County shall be the sum of one dollar ($1.00).

Cumberland County, minimum fee of Register of Deeds.

SEC. 2. Except as provided in Section 1 above, the fees to be collected by the Register of Deeds of Cumberland County shall be the same as now provided by the law.

SEC. 3. This Act shall apply only to Cumberland County.

Application of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 956 CHAPTER 618

AN ACT RELATING TO CERTAIN FEES OF THE SHERIFF AND DEPUTY SHERIFFS OF WILKES COUNTY.

The General Assembly of North Carolina do enact:

Wilkes County, fees of Sheriff and Deputy Sheriffs.

SECTION 1. Notwithstanding any other provisions of law, the fees of the Sheriff and Deputy Sheriffs of Wilkes County with respect to making an arrest, serving a subpoena or executing a capias shall be as follows:

Arrest, each	$2.00
Subpoena, each	.75
Capias, each	2.00

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 969 CHAPTER 619

AN ACT AMENDING G. S. 7-134 BY FIXING FEES TO BE PAID TO JUSTICES OF THE PEACE IN ROBESON COUNTY IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

G. S. 7-134, amended.

SECTION 1. G. S. 7-134 is hereby amended by adding at the end thereof the following proviso:

Robeson County, fees of Justices of the Peace.

"*Provided* Justices of the Peace in Robeson County shall receive the following fees in civil actions:

Bill of Cost:

Summons	$ .50
Additional Defendant	.25
Plaintiff's Undertaking	.50

Defendant's Undertaking	$ .50
Order of Removal	.50
Subpoena (for two) each	.50
Judgment contested	2.00
Judgment not contested	2.00
Transcription of judgment	.50
Execution of judgment	1.00
Return on appeal	1.00
Jury trial and entering verdict	3.00
Issuing claim and delivery papers and trial	2.50
Additional defendant, each	.50
Subpoenas, each	.50
Issuing attachment papers and trial and order to seize property	2.50
Additional defendant, each	.50
Subpoenas, each	.50
Performing marriage ceremonies in office	2.00
Continuance	.50
Probate of deeds, chattel mortgages or deeds of trust for signature thereof	.50
Hearing petitions for widow's yearly allowance	2.50
Issuing notices to commissioners, allotting the same and making returns	2.00
Taking deposition for each copy sheet for 100 words	.25
Garnisheeing for taxes	.50
Filing and docketing labor's lien	1.00"

SEC. 2. Except as provided in this Act Justices of the Peace in Robeson County shall receive fees as otherwise provided by law.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 975 CHAPTER 620

AN ACT AMENDING CHAPTER 477 OF THE PUBLIC-LOCAL LAWS OF 1921, CHAPTER 305 OF THE PUBLIC-LOCAL LAWS OF 1919 AND CHAPTER 248 OF THE PUBLIC-LOCAL LAWS OF 1923 SO AS TO AUTHORIZE EXHIBITION BY CARNIVALS IN THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

Town of Gibsonville, regulation of exhibitions by carnivals, etc.

SECTION 1. The Town of Gibsonville is exempted from each and every one of the provisions of Chapter 477 of the Public-Local Laws of 1921, Chapter 305 of the Public-Local Laws of 1919 and Chapter 248 of the Public-Local Laws of 1923, and the Town of Gibsonville shall have all the power and authority to permit, regulate, restrict and prohibit exhibitions by carnivals now vested in municipalities by G. S. 160-200 (24).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 976 CHAPTER 621

AN ACT TO AMEND CHAPTER 58, OF THE 1945 SESSION LAWS OF NORTH CAROLINA FIXING THE PENALTY OF THE BOND FOR THE PUBLIC ADMINISTRATOR OF FORSYTH COUNTY AND ELIMINATING THE ADMINISTRATOR'S NOTICE TO CREDITORS AND AMENDING THE LAW WITH RESPECT TO FILING FINAL REPORT OF SETTLEMENT IN CERTAIN INSTANCES.

The General Assembly of North Carolina do enact:

Ch. 58, Session Laws, 1945, amended.

SECTION 1. That Chapter 58 of the 1945 Session Laws of North Carolina be amended as follows:

SEC. 2. That Section 1, (1), be amended to read as follows:

Forsyth County, bond of public administrator.

"The Public Administrator of Forsyth County as appointed by the clerk shall give a bond as such public administrator with a penalty of $50,000.00, and if the public administrator has already given bond as such fiduciary in the penalty of less than $50,000.00, that upon the ratification of this Act, the Clerk of Superior Court of Forsyth County shall require said public administrator to give an additional bond so that the total sum

of all bonds given by him under his present appointment shall equal $50,000.00."

SEC. 3. That Section 1, (7), be amended to read as follows:

Separate bond required when personalty of estate is $15,000 or more.

"Bond as herein provided shall cover all estates administered by the Public Administrator of Forsyth County when the value of the personal assets at the time of the qualification is less than $15,000.00. When the Public Administrator of Forsyth County files application for appointment to administer an estate of a deceased person and the total value of all personal assets is $15,000.00 or more, then the said administrator must give separate bond for that particular estate and premiums charged on such bond shall be paid from that estate."

Payment of premiums.

Publication of notice to creditors not required in stated instances.

SEC. 4. That the public administrator is not required to publish the notice as required by G. S. 28-47 when the deceased did not own any real property at the time of death and

Personal estate does not exceed $300.

(1) Personal estate of the deceased does not exceed $300.00 in value exclusive of proceeds received for wrongful death or group life insurance, and may file his final report ninety days after the date of qualification, or

Only assets consists of proceeds for wrongful death or group life insurance.

(2) The only assets of the estate consist of proceeds received for wrongful death or group life insurance, and may file his final report at any time, but must file it within the maximum now provided by law for the settlement of estates.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Application of Act.

SEC. 6. This Act shall apply to Forsyth County only.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 977 CHAPTER 622

AN ACT RELATING TO THE VACCINATION OF DOGS IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Forsyth County, vaccination of dogs required.

SECTION 1. It shall be the duty of every owner of a dog in Forsyth County to have same vaccinated annually, on or before the first day of July of each and every year, and any dog born after July 1st, or any dog that was not six months old on July 1st of any year shall be vaccinated upon becoming six months of age, in accordance with the vaccination program as set forth in the Public Laws of North Carolina.

Notice to owner not necessary.

SEC. 2. It shall not be necessary that any notice be given to the owner of a dog to have same vaccinated, and the provisions of Section 106-371 of the General Statutes of North Carolina requiring the giving of a three-day notice shall not be applicable to Forsyth County.

Existing laws unaffected except as herein provided.

SEC. 3. The provisions of this Act shall not be construed to repeal, modify, or change any of the laws heretofore enacted, nor to interfere with the program for the vaccination of dogs as provided in State laws except as herein provided.

Violations made misdemeanor.

SEC. 4. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than $10.00 or more than $50.00, or to imprisonment of not less than ten (10) days or more than thirty (30) days in the discretion of the court.

Application of Act.

SEC. 5. This Act shall apply only to Forsyth County.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 979 CHAPTER 623

AN ACT TO PERMIT AND TO LIMIT PAYMENTS FOR SPECIAL SERVICES IN THE WATER AND LIGHT DEPARTMENT AND IN THE TAX OFFICE OF THE TOWN OF HUNTERSVILLE IN MECKENBURG COUNTY.

The General Assembly of North Carolina do enact:

Town of Huntersville, payment for special services in utilities and tax departments.

SECTION 1. That the Commissioners of the Town of Huntersville shall have the right to allow and to pay a sum not exceeding seventy-five dollars ($75.00) in any one calendar month to any person they may designate, including elected officials of the Town of Huntersville, for special services in the Light and Water Department and in the Tax Office of the Town of Huntersville.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 991 **CHAPTER 624**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ASHE COUNTY TO FIX THE COMPENSATION OF THE JAILER OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Ashe County, compensation of jailer.

SECTION 1. From and after the first of the month following the ratification of this Act, the Board of County Commissioners of Ashe County is authorized to fix the compensation of the jailer of said county in such amount as, in their discretion, they may deem just and proper.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 992 **CHAPTER 625**

AN ACT RELATING TO THE DISTRIBUTION OF FUNDS RECEIVED FROM PARKING METERS IN THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

Town of Sanford, distribution of parking meter proceeds.

SECTION 1. The net proceeds received by the Town of Sanford from the operation of parking meters in said town may be used for the operation and maintenance of a recreational program for the Town of Sanford, or may be placed in the general funds of the town and used for general purposes in the discretion of the board of aldermen.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 993 CHAPTER 626

AN ACT TO AMEND CHAPTER 94 OF THE PRIVATE LAWS OF NORTH CAROLINA, 1927, BEING AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT HOLLY, NORTH CAROLINA, RELATING TO THE ELECTION OF THE BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact:

Ch. 94, Private Laws, 1927, amended.

SECTION 1. That Chapter 94 of the Private Laws of North Carolina, 1927, is hereby amended by striking out all of Section 1 of said Chapter and inserting in lieu the following:

Town of Mount Holly, election and terms of aldermen.

"SECTION 1. At the election to be held on the first Monday in July, 1949, there shall be elected by all the qualified voters of the town, two aldermen for a term of two years and two aldermen for a term of four years. The two candidates receiving the highest number of votes in the election to be held on the first Monday in July, 1949, shall serve for a term of four years and the two candidates receiving the next highest number of votes in said election shall serve for a term of two years. Thereafter at each biennial election there shall be elected two aldermen for a term of four years."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 994 CHAPTER 627

AN ACT TO AMEND CHAPTER 285, PUBLIC-LOCAL LAWS OF 1939, FIXING THE SALARY OF THE PROSECUTING ATTORNEY OF THE RECORDER'S COURT AT BELHAVEN IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 285, Public-Local Laws, 1939, amended.

SECTION 1. That Chapter 285, Public-Local Laws of 1939, amending Chapter 735, Public-Local Laws of 1909, creating the Recorder's Court at Belhaven, be and the same is hereby amended by striking out the last two sentences of Section 1 of said Act and inserting in lieu thereof the following: "Said attorney shall receive a monthly salary of fifty dollars ($50.00) to be paid from the General Fund of Beaufort County. All fees now authorized by law in said court as compensation for said attorney shall continue to the taxed and collected by the clerk of said court, and shall hereafter be paid into the General Fund of Beaufort County by said clerk".

Salary of prosecuting attorney, Recorder's Court, Belhaven.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 996 CHAPTER 628

AN ACT TO FIX THE TIME FOR THE ELECTION OF A MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF DOBSON AND TO MAKE CHAPTER 160 OF THE GENERAL STATUTES APPLICABLE TO SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. Section 3 of Chapter 282 of the Private Laws of 1891, said Act being entitled "An Act to Incorporate the Town of Dobson in the County of Surry," is hereby rewritten so that said Section 3 shall hereafter read as follows: Ch. 282, Private Laws, 1891, amended.

"SEC. 3. That the term of office of the present Mayor and Board of Commissioners of the Town of Dobson is hereby extended until the second Tuesday after the first Monday in May, 1949." Town of Dobson, term of office of present Mayor and Commissioners.

SEC. 2. Section 4 of Chapter 282 of the Private Laws of 1891, said Act being entitled "An Act to Incorporate the Town of Dobson in the County of Surry," is hereby rewritten so that said Section 4 shall hereafter read as follows:

"SEC. 4. That the election of the Mayor and the Board of Commissioners of the Town of Dobson shall be held on the second Tuesday after the first Monday in May, 1949, and biennially thereafter. The term of office of the Mayor and Board of Commissioners of the Town of Dobson shall be two years." Biennial election of Mayor and Board of Commissioners.

SEC. 3. Section 5 of Chapter 282 of the Private Laws of 1891, said Act being entitled "An Act to Incorporate the Town of Dobson in the County of Surry," is hereby rewritten so that said Section 5 shall hereafter read as follows:

"SEC. 5. That in all respects, except as to the time which is fixed in Section 4 above, all elections in the Town of Dobson shall be governed by the general laws of the State as set forth in Chapter 160 of the General Statutes, the same being applicable to elections of municipal officers." Application of general municipal laws to town elections.

SEC. 4. Section 18 of Chapter 282 of the Private Laws of 1891, said Act being entitled "An Act to Incorporate the Town of

Dobson in the County of Surry," is hereby rewritten so that said Section 18 shall hereafter read as follows:

Corporate powers under G. S. Ch. 160.

"SEC. 18. That in addition to the foregoing, and except as otherwise provided by law as to the time of the election of municipal officers, the said town shall have all the powers conferred by Chapter 160 of the General Statutes of North Carolina, as amended."

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 1004 CHAPTER 629

AN ACT TO EXTEND THE PLANNING AND ZONING POWERS OF THE TOWN OF CHAPEL HILL AND ITS GOVERNING BODY TO THE TERRITORY BEYOND AND SURROUNDING THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL FOR A DISTANCE OF ONE MILE IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

Purpose of Act.

SECTION 1. That for the purpose of promoting the orderly growth, expansion and development of the Town of Chapel Hill and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals or general welfare of the citizens of the Town of Chapel Hill and of the territory and community beyond and surrounding the corporate limits of the said municipality, as hereinafter defined, the Governing Body of the Town of Chapel Hill is hereby authorized and empowered to adopt such ordinances and regulations as may be considered necessary or expedient by the Governing Body of the Town of Chapel Hill to regulate, control and restrict the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, not only within the corporate limits of the Town of Chapel Hill, but also, when specifically provided by the terms of any such ordinance, within the territory and community beyond and surrounding the corporate boundaries of the Town of Chapel Hill, as now or hereafter fixed, for a distance of one mile of and beyond such corporate boundaries in all directions; and within the aforesaid territory within and beyond the corporate boundaries, the Governing Body of the Town of Chapel Hill is hereby authorized

Town of Chapel Hill, planning and zoning powers, extended to area beyond city limits.

Area defined.

Powers of planning and zoning.

and empowered to exercise any and all powers of planning and/or zoning conferred upon the Town of Chapel Hill and vested in its governing body by the Charter of the Town of Chapel Hill, and/or the General Statutes of North Carolina, as amended from time to time, including but not being limited to the provisions of Article 14 of Subchapter 1 of Chapter 160 of the General Statutes, and/or by any other statute applicable to the Town of Chapel Hill, to the same extent and according to the same methods of procedure as applicable to planning and/or zoning within the corporate limits of the Town of Chapel Hill.

Application of Act.

SEC. 2. That the provisions of this Act shall apply only to the Town of Chapel Hill and to the territory within the corporate limits of the Town of Chapel Hill and that territory beyond and surrounding the corporate limits of the Town of Chapel Hill for a distance of one mile beyond the same in all directions *provided* that it shall not extend to any area within the corporate limits of the Town of Carrboro.

Area within limits of Carrboro excluded.

Enactment of ordinance hereunder only after public hearing.

SEC. 3. The Board of Aldermen, or Governing Body of the Town of Chapel Hill, shall enact no ordinance or ordinances under the provisions of this statute without first holding a public hearing.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 1051 CHAPTER 630

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FOREST CITY RELATIVE TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

Ch. 2, Private Laws, 1925, amended as to power of eminent domain, Town of Forest City.

SECTION 1. Subsection (1) of Section 4 of Chapter 2 of the Private Laws of 1925 be and the same is hereby amended by adding at the end of said Subsection the following new paragraph:

Possession of property by town pending determination of condemnation proceedings.

"In the event condemnation proceedings shall become necessary in order to acquire title to land or to an easement therein for the purpose of carrying into effect any improvement in connection with which the town has the power of eminent do-

main, upon a finding by the governing board of the town recorded in its minutes that the parties cannot agree upon a reasonable purchase price of the land or easement therein and upon the adoption of a resolution by the governing board of the town directing the institution of condemnation proceedings, the town, through its duly constituted authorities, may immediately enter on, take possession and hold the property to be condemned pending the final determination of such condemnation proceedings."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

H. B. 638 CHAPTER 631

AN ACT RELATING TO COSTS IN CRIMINAL CASES IN THE TOWN OF SCOTLAND NECK.

The General Assembly of North Carolina do enact:

Scotland Neck, jail fees taxed as part of costs in criminal cases.

SECTION 1. That every person charged with the commission of a criminal offense and pursuant thereto confined in the town lock-up, or jail, of the Town of Scotland Neck shall upon conviction therefor be required to pay, and there shall be taxed against said person as part of the costs of said action the sum of one dollar ($1.00) as a jail fee. Upon any appeal, or transfer of any such case for trial to the Recorder's Court, or to the Superior Court, of Halifax County, said amount shall be certified and sent up by the trial or committing officer, as part of the costs of said action, and upon payment of said costs it shall be the duty of the Clerk of the Superior Court of Halifax County to remit the said jail fee to the Town of Scotland Neck.

Fees collected remitted to town.

Patrol fees taxed as part of costs.

SEC. 2. That every person arrested by any police officer of the Town of Scotland Neck for any criminal offense shall, upon conviction, have assessed against him as part of the court costs a patrol fee of two dollars ($2.00); and upon any appeal, or transfer of any such case for trial to the Recorder's Court, or to the Superior Court, of Halifax County, said amount shall be certified and sent up by the trial or committing officer, as part of the costs of said action. Upon payment of said costs it shall be the duty of the Clerk of the Superior Court of Halifax County to remit the amount so certified for said purpose to the Town of Scotland Neck.

Fees remitted to town.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 866 **CHAPTER 632**

AN ACT TO PLACE THE CONSTABLE OF LEES MILLS TOWNSHIP, WASHINGTON COUNTY, ON A SALARY BASIS.

The General Assembly of North Carolina do enact:

SECTION 1. The Constable of the Lees Mills Township of Washington County shall receive as full compensation for all his services, rendered by virtue of his office, a sum to be fixed by the County Commissioners of Washington County, said sum to be payable in equal monthly installments by the Auditor of Washington County under the law and in like manner as salaries of the other officers and employees of said county are now paid. Washington County, Constable for Lees Mills Township placed on salary basis.

SEC. 2. The fees and other monies allowed by law for the service of process, other papers and the further performance of any duties by, and required by law of, the Constable of Lees Mills Township, Washington County, shall belong to Washington County and be accounted for and paid over by such constable daily to the Auditor of Washington County for use of the general fund. Constable fees paid over to general fund of County.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after June 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1054 CHAPTER 633

AN ACT PROVIDING FOR THE SALARY OF THE CONSTABLE OF ASHEVILLE TOWNSHIP, BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 275, Public-Local Laws, 1931, amended.

SECTION 1. Section 2 of Chapter 275 of the Public-Local Laws of 1931 as amended by Section 1 of Chapter 4 of the Public-Local Laws of 1935 is hereby amended by rewriting said Section to read as follows:

Asheville Township, Buncombe County, salary of Constable.

"SEC. 2. The Constable of Asheville Township shall receive two hundred forty dollars ($240.00) per month in full for his services."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1095 CHAPTER 634

AN ACT TO EXEMPT CERTAIN AGRICULTURAL PRODUCTS FROM AD VALOREM TAXES IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Columbus County, certain agricultural products exempted from ad valorem taxes.

SECTION 1. Sweet potatoes, peanuts and tobacco are hereby exempted from ad valorem taxes in Columbus County for the year in which produced and the next succeeding year if said products are held by the producer or by any purchaser for curing or processing. It shall not be necessary for the owner or possessor of said agricultural products to list the same for ad valorem taxation.

SEC. 2. This Act shall apply only to Columbus County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after January 1, 1949.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 12 CHAPTER 635

AN ACT TO AMEND G. S. 9-11, RELATING TO TALES JURORS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 9-11 is hereby amended to read as follows: G. S. 9-11, amended.

"G. S. 9-11. Summons to talesmen; their disqualifications. That there may not be a defect of jurors, all tales jurors shall be drawn from the box. The judge shall, if he deems it necessary, at the beginning of the term, or from day to day, direct the tales jurors to be drawn from the jury box used in drawing the petit jury for the term, in the presence of the court; such tales jurors so drawn to be summoned by the sheriff and to serve on the petit jury, and on any day the court may discharge those who have served the preceding day. It is a disqualification and ground of challenge to any tales jurors that such juror has acted in the same court as grand, petit or tales juror within two years next preceding such term of court."

Drawing of tales jurors.

Summons of jurors.

Disqualification.

SEC. 2. This Act shall apply to Halifax County only.

Act applicable only to Halifax County.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 113 CHAPTER 636

AN ACT TO AMEND SECTION 130-272 OF THE GENERAL STATUTES TO REDUCE THE PRICE OF BEDDING STAMPS FROM TEN DOLLARS TO EIGHT DOLLARS PER FIVE HUNDRED.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 130-272 of the General Statutes be, and the same is hereby, amended by striking out the words "ten dollars ($10.00)" in line 7 and substituting in lieu thereof the words "eight dollars ($8.00)."

G. S. 130-272, regulating the manufacture of bedding, amended as to price of stamps.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 212 CHAPTER 637

AN ACT TO AMEND G. S. 106-50.4, 106-50.5, 106-50.6 AND 106-50.15 RELATING TO THE NORTH CAROLINA FERTILIZER LAW.

The General Assembly of North Carolina do enact:

G. S. 160-50.4, N. C. Fertilizer Law, amended as to mixed fertilizers for tobacco.

SECTION 1. G. S. 106-50.4, as the same appears in the 1947 Cumulative Supplement of the General Statutes of North Carolina, is hereby amended by adding after "Total Magnesium or Total Magnesium Oxide ..... per cent" the following:

"All fertilizer branded for tobacco must contain a minimum of two per cent Magnesium Oxide or its equivalent in Magnesium."

G. S. 106-50.5, labeling of fertilizers, amended.

SEC. 2. G. S. 106-50.5, as the same appears in the 1947 Cumulative Supplement of the General Statutes of North Carolina, is hereby amended by adding to the end thereof the following:

Tags required on mixed fertilizer.

"(c) If mixed fertilizer is sold or intended to be sold in bags weighing more than 100 pounds, each bag must have a tag attached thereto, of a type approved by the Commissioner, showing the grade of the fertilizer contained therein. Such tag must be attached between the ears of each bag, or in the case of a machine sewed bag, approximately at the center of the sewed end of the bag: *Provided,* that in lieu of such tag the grade of the fertilizer may be printed on the end of the bag in readily legible numerals."

G. S. 106-50.6, inspection fees, amended.

SEC. 3. G. S. 106-50.6, as the same appears in the 1947 Cumulative Supplement of the General Statutes of North Carolina, is hereby amended by adding the following seven paragraphs at the end thereof:

Permits to report tonnage and pay fee, in lieu of affixing tags.

"(e) Any distributor of fertilizer may make application to the Commissioner of Agriculture for a permit to report the tonnage of fertilizer sold and pay the inspection fee of 25 cents per ton on the basis of the report, in lieu of affixing inspection tags or stamps.

Grant of permit in discretion of Commissioner.

Condition of issuance of permit.

"(f) The Commissioner may, in his discretion, grant such permit. The issuance of all permits will be conditional on the applicant's satisfying the Commissioner that he has a good bookkeeping system and keeps such records as may be necessary to indicate accurately the tonnage of fertilizer sold in the State.

Authority of Commissioner to examine records.

"(g) In the event such permit is granted by the Commissioner, the distributor must, as a further condition thereto, grant to the Commissioner or his duly authorized representative permission to examine such records and verify the tonnage statement.

"(h) The tonnage report shall be monthly and the inspection fee shall be due and payable monthly, on the tenth of each month, covering the tonnage and grade of fertilizer sold during the past month.

Tonnage report and payment of inspection fee to be made monthly.

"(i) The report shall be under oath and on forms furnished by the Commissioner.

Report under oath.

"(j) If the report is not filed and the inspection fee paid by the tenth day following due date or if the report of tonnage be false, the Commissioner may revoke the permit; and if the inspection fee be unpaid after a fifteen day grace period, the amount shall bear a penalty of ten per cent which shall be added to the inspection fee due and shall constitute a debt and become the basis of judgment against the securities or bonds which may be required.

Revocation of permit.

Penalty for delayed payment of inspection fee.

"(k) In order to guarantee faithful performance each distributor shall before being granted a permit to use the reporting system deposit with the Commissioner cash in the amount of one thousand dollars ($1000.00) or securities acceptable to the Commissioner of a value of at least one thousand dollars ($1000.00) or shall post with the Commissioner a surety bond in like amount, executed by some corporate surety company authorized to do business in North Carolina."

Securities or surety bond required for use of reporting system.

SEC. 4. G. S. 106-50.15, as the same appears in the 1947 Cumulative Supplement of the General Statutes of North Carolina, is hereby amended by striking out all of the last sentence in said Section and adding in lieu thereof the following:

G. S. 106-50.15, amended as to regulation of weight of fertilizer bags or packages.

"The Board of Agriculture is also authorized to regulate the weight of bags and/or packages in which fertilizer may be sold or offered for sale."

SEC. 5. All laws and clauses of laws in conflict with this Act are repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 213 **CHAPTER 638**

AN ACT TO AMEND G. S. 106-93, 106-95 AND 106-99 RELATING TO THE NORTH CAROLINA FEED LAW.

The General Assembly of North Carolina do enact:

G. S. 106-93, N. C. Feed Law, amended as to marking of package of commercial feeding stuffs.

SECTION 1. G. S. 106-93 is hereby amended by changing the comma after the word "carbohydrates" at the end of line 17 to a colon, striking out the remainder of said Section and inserting in lieu thereof the following:

Labeling of minerals and other materials not valuable for protein and fat content.

Methods of analysis.

"*Provided,* that minerals and other materials not valuable for their protein and fat content shall be labeled in accordance with rules and regulations promulgated by the State Board of Agriculture. The methods of analysis shall be those adopted as official by the Board of Agriculture and shall conform to the methods prescribed by the Association of Official Agricultural Chemists. In the absence of methods prescribed by said association, the Commissioner shall prescribe the methods of analysis."

G. S. 106-95, amended to redefine "commercial feeding stuffs."

SEC. 2. G. S. 106-95 is hereby amended by striking out said Section and inserting in lieu thereof the following:

"Concentrated commercial feeding stuffs" defined. The term "commercial feeding stuffs" shall be held to include the so-called mineral feeds and all feeds used for livestock, domestic animals and poultry, except cottonseed hulls, whole unground hays, straws and corn stover, when the same are not mixed with other materials, nor shall it apply to whole unmixed, unground and uncrushed grains or seeds when not mixed with other materials."

G. S. 106-99, inspection tax and tax tags, amended.

SEC. 3. G. S. 106-99 is hereby amended by adding at the end of said Section the following:

Report of tonnage and payment of inspection fee in lieu of affixing tags.

"(a) 'Reporting System'. Any manufacturer, importer, jobber, firm, corporation or person who distributes concentrated commercial feeding stuffs in this State may make application to the Commissioner of Agriculture for a permit to report the tonnage of feeding stuffs sold and pay the inspection tax of twenty-five cents (25c) per ton as hereinbefore mentioned, as the basis of said report, in lieu of affixing or furnishing inspection fee tags or stamps. The Commissioner of Agriculture may, in his discretion, grant such permit. The issuance of all permits will be conditioned on the applicants satisfying the Commissioner that he has a good bookkeeping system and keeps such records as may be necessary to indicate accurately the tonnage of feeding stuffs sold in the State and as are satisfactory to the Commissioner of Agriculture, and granting the Commissioner, or his duly authorized representative, permission to examine such records and verify the tonnage statement. The tonnage report shall be monthly and the inspection fee shall be due and

Condition of issuance of permit.

Authority of Commissioner to examine records.

payable monthly, on the tenth of each month, covering the tonnage and kind of commercial feeding stuffs sold during the past month. The report shall be under oath and on forms furnished by the Commissioner. If the report is not filed and the inspection fee paid by the tenth day following the date due or if the report of tonnage be false, the Commissioner may revoke the permit, and if the inspection fee be unpaid after a fifteen day grace period, the amount shall bear a penalty of ten per cent (10%) which shall be added to the inspection fee due and shall constitute a debt and become the basis of judgment against the securities or bonds which may be required. That in order to guarantee faithful performance with the provisions of this Act each manufacturer, importer, jobber, firm, corporation or person shall, before being granted a permit to use the reporting system, deposit with the Commissioner cash in the amount of one thousand dollars ($1000.00) or securities acceptable to the Commissioner of a value of at least one thousand dollars ($1000.00) or shall post with the Commissioner a surety bond in like amount, executed by some corporate surety company authorized to do business in North Carolina. The Commissioner shall approve all such securities and bonds before acceptance.

Monthly reports of tonnage and payment of fees.

Report under oath.

Revocation of permit.

Penalty for delayed payment of inspection fee.

Securities or surety bond required for use of reporting system.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 264 **CHAPTER 639**

AN ACT TO VALIDATE AND CONFIRM THE TRANSFER OR ALLOCATION OF $140,000.00 OF THE PROCEEDS FROM THE SALE OF $750,000.00 IN BONDS AUTHORIZED IN AN ELECTION HELD IN WAYNE COUNTY IN APRIL, 1946, FROM THE PROJECT OF CONSTRUCTING A PHYSICAL EDUCATION BUILDING AT THE GOLDSBORO HIGH SCHOOL AND THE PROJECT OF ENLARGING THE WALNUT STREET SCHOOL IN THE GOLDSBORO GRADED SCHOOLS DISTRICT TO THE CONSTRUCTION OF A NEW ELEMENTARY SCHOOL PLANT ON JEFFERSON STREET IN THE EASTERN SECTION OF SAID GOLDSBORO GRADED SCHOOLS DISTRICT.

Preamble: Wayne County, bond issue for improving and enlarging school buildings of county and certain districts.

WHEREAS, at an election held in Wayne County on the twenty-third day of April, 1946, authority was given to issue $750,000.00 in bonds to be expended for the purpose of improving and enlarging the public school buildings and other facilities in the Wayne County Schools and in the Fremont School District (a charter district) and in the Goldsboro Graded Schools District (a charter district); and

Allocation of proceeds of bonds to Goldsboro Graded Schools District.

WHEREAS, there was allocated and assigned to the Goldsboro Graded Schools District out of the proceeds of said bonds the sum of $140,000.00 which were then allocated to be expended in constructing a physical education building at the Goldsboro High School and in enlarging the Walnut Street School in the Goldsboro Graded Schools District; and

Allocated amount insufficient for intended purposes.

WHEREAS, since said bond election was held on the twenty-third day of April, 1946, it has been ascertained that said $140,000.00 is only sufficient to provide the necessary additional classrooms and essential ancillary facilities to take care of the elementary school population now in the eastern area of the Goldsboro Graded Schools District which has heretofore been served by the Walnut Street School; and

Determination that allotted amount should be spent for construction of new elementary school.

WHEREAS, the Board of Commissioners of Wayne County has at the request of the Board of Trustees of the Goldsboro Graded Schools District made a study and investigation of the situation and has determined that the said $140,000.00 should be expended for the construction of a new elementary school plant on Jefferson Street in the eastern section of the Goldsboro Graded Schools District where the population has greatly increased since said bond election was held and is still rapidly increasing rather than to expend the same for the construction of a physical education building at the Goldsboro High School and for the enlargement of the Walnut Street School; and

Resolution adopted by County Commissioners for reallocation of proceeds.

WHEREAS, at a regular meeting of the Board of Commissioners of Wayne County held in Goldsboro, North Carolina, on Monday, March 7, 1949, a motion was made, seconded and

unanimously carried "That the $140,000.00 assigned to the Goldsboro Graded Schools District out of the $750,000.00 bond issue authorized by an election in April, 1946, to be expended upon the white schools of said district be allocated or reallocated from the project of constructing a physical education building at the Goldsboro High School and the project of enlarging the Walnut Street School to the project of constructing a new elementary school plant on Jefferson Street in the eastern section of the Goldsboro Graded Schools District and that such allocation or reallocation of such funds be and the same is hereby declared to be necessary to make reasonable and adequate provision for the constitutional school term in the Goldsboro Graded Schools District and in accord with the over-all purpose set forth in the bond order adopted in connection with the election authorizing the issue of said $750,000.00 in bonds in April, 1946": *Now, therefore,*

Reallocation declared necessary and reasonable.

The General Assembly of North Carolina do enact:

SECTION 1. That the action of the Board of Commissioners of Wayne County at a meeting held in Goldsboro, North Carolina, on March 7, 1949, in transferring or allocating the sum of $140,000.00 out of the funds arising from the sale of $750,000.00 in bonds authorized at a bond election held in Wayne County on the twenty-third day of April, 1946, from the project of constructing a physical education building at the Goldsboro High School and the project of enlarging the Walnut Street School in the Goldsboro Graded Schools District to the construction of a new elementary school plant on Jefferson Street in the eastern section of said Goldsboro Graded Schools District be and the same is hereby validated and confirmed and declared to be in accord with and embraced in the purpose for which said bonds were authorized and issued.

Wayne County, action of Commissioners in transferring bond proceeds to construction of new elementary school plant validated.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 277 **CHAPTER 640**

AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF MORRISVILLE IN THE COUNTY OF WAKE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 2 of Chapter 776 of the Session Laws of 1947 is hereby amended to read as follows:

Ch. 776, Session Laws, 1947, amended.

Town of Morrisville, corporate limits redefined.

"SEC. 2. That the corporate limits of said town shall be as follows:

"Beginning at a point on the center line of the Southern Railway sixty-nine and five-tenths (69.5) feet North of bridge over Crabtree Creek and running S. 68° 00′ W. seven hundred thirteen and six-tenths (713.6) feet to a concrete monument; thence N. 36° 00′ W. thirty-seven hundred and sixty-six and eight-tenths (3766.8) feet to a concrete monument; thence N. 78° 15′ E. seventeen hundred one and two-tenths (1701.2) feet to a point in center of Southern Railway track; thence N. 68° 15′ E. eight hundred ninety-five and four-tenths (895.4) feet to a concrete monument; thence S. 15° 03′ E. thirty-one hundred seventy-four (3174.0) feet to a concrete monument; thence S. 49° 26′ W. five hundred ninety-one and five-tenths (591.5) feet to the point of beginning, containing 148.44 acres, according to a survey and map made by Max Collins, Jr., and checked by W. B. Jones in January 1949."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 289 CHAPTER 641

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE, TO VALIDATE PROCEEDINGS TAKEN BY THE BOARD OF ALDERMEN IN EXTENDING THE CITY LIMITS OF SAID CITY, TO FURTHER EXTEND SAID CITY LIMITS, AND TO PERMIT THE BOARD OF ALDERMEN TO APPOINT A CITY MANAGER AND PRESCRIBE HIS DUTIES.

The General Assembly of North Carolina do enact:

Ch. 167, Private Laws, 1909, repealed.

Town of West Monroe, charter dissolved.

SECTION 1. That Chapter 167, Private Laws of 1909 as amended by Chapter 129, Private Laws of 1911, and as amended further by Chapter 7, Private Laws of 1931, constituting the Charter of the Town of West Monroe (formerly the Town of Icemorlee) be, and the same is hereby repealed, and the Charter of said Town of West Monroe is fully dissolved.

City of Monroe, proceedings extending corporate limits validated.

SEC. 2. That all proceedings heretofore taken by the Governing Body of the City of Monroe under the provisions of Chapter 725, Session Laws of 1947, extending the corporate limits or boundaries of the City of Monroe so as to include within the present boundaries of the City of Monroe the area formerly

embraced within the town limits of the Town of West Monroe and certain of the areas of the former Camp Sutton properties be and the same are hereby validated in all respects.

City of Monroe, corporate limits extended and redefined.

SEC. 3. That the corporate limits of the City of Monroe be and the same are hereby extended and redefined so as to include all of the area located within the following described perimeter boundaries, and from and after the effective date of this Act, the city limits of the City of Monroe shall be defined, fixed and described as follows:

Description of boundaries.

Beginning at the intersection of the Seaboard Air Line Railway track and Biven's Road and runs thence with the center line of Biven's Road S. 18 deg. 10 min. 40 sec. W. 991.3 ft. to the intersection of U. S. Highway #74 and Bivens' Road; thence with U. S. Highway #74 S. 80 deg. 8 min. 10 sec. W. 964.15 ft.; thence S. 71 deg. 37 min. W. 2396.05 ft.; thence leaving U. S. Highway #74 and following W. A. Love's old property line N. 89 deg. 38 min. W. 2527.65 ft.; thence S. 76 deg. 20 min. W. 733.65 ft. to a point in the center of Richardson Creek, W .A. Love's southwest corner; thence down the various courses of Richardson Creek N. 3 deg. 49 min. 40 sec. W. 211.1 ft.; thence N. 0 deg. 28 min. E. 234.72 ft. to a point where the said camp boundary leaves Richardson Creek; thence with said boundary S. 81 deg. 5 min. 20 sec. W. 1898.6 ft.; thence S. 28 deg. 51 min. 30 sec. E. 1107.7 ft.; thence S. 76 deg. 40 min. W. 317.6 ft.; thence N. 87 deg. 10 min. 50 sec. W. 248.52 ft.; thence S. 28 deg. 45 min. 20 sec. W. 581 ft.; to a point in the center of U. S. Highway #74; thence with the center line of U. S. Highway #74 N. 78 deg. 44 min. 20 sec. W. 3250 ft. to the intersection of Southerland Avenue and U. S. Highway #74, indicated by a bronze plate set in a concrete marker located on the South bank of U. S. Highway #74; thence with the present city limit lines S. 13 deg. W. 436 ft. to a concrete marker located in the North boundary line of an unopened street; thence a new line S. 2 deg. 5 min. W. 1741 ft. to a stake, a new corner, located on the West side of the Medlin Road and the North side of Charles Extension intersection; thence along the North side of Charles St. Extension N. 45 deg. 30 min. W. 617 ft.; thence N. 55 deg. 15 min. W. 195 ft.; thence N. 71 deg. 45 min. W. 966 ft. to a stake located on the North side of Charles St. Extension, a corner of H. H. Wilson and C. C. Sikes properties; thence with their lines N. 3 deg. 59 min. E. 447 ft. to a stake; thence N. 13 deg. 30 min. E. 785 ft. to a stake located in the present city limit line; thence with the present city limit line N. 77 deg. 15 min. W. 1152.8 ft. to a concrete marker located in the property lines of H. H. Wilson, a corner of the present city limits; thence with three of the present city limits lines, (1) N. 84 deg. 55 min. W. 1093.8 ft. to a concrete marker located on the South side of Cotton St. at the intersection of Griffin St.; (2) thence S. 1 deg. 25 min. E. 1383.7 ft. to a concrete marker; (3) thence S. 74 deg. 35 min. W. 1296.5 ft. to a stake, a new corner, located on the West

City of Monroe, corporate limits (cont'd).

side of Maurice St.; thence along the West side of and parallel to Maurice St., two new lines, S. 5 deg. 30 min. W. 418 ft.; thence S. 1 deg. 45 min. W. 604 ft. to a stake located on the South side of Maurice St., a new corner, thence a new line S. 87 deg. 30 min. W. 850 ft. to a stake located on the West side of State Highway #207; thence along the West side and parallel to State Highway #207 S. 30 deg. 25 min. E. 196 ft.; thence S. 0 deg. 30 min. W. 410 ft. to a stake, a new corner, located on the West side of Highway #207; thence a new line S. 82 deg. 45 min. W. 438 ft. to a stake, a new corner, located on the East side of Parker St.; thence a new line S. 87 deg. W. 362 ft. to a stake located in the center of Stewart Branch; thence with the various courses of Stewarts Branch as follows: N. 32 deg. 15 min. W. 434 ft., N. 42 deg. 45 min. W. 448 ft., N. 65 deg. W. 578 ft., N. 30 deg. 45 min. W. 440 ft., N. 66 deg. 40 min. W. 351 ft., N. 78 deg. 45 min. W. 449 ft. to a stake located on the West side of Griffith Road where said branch crosses; thence with said branch S. 84 deg. W. 412 ft. to a stake, a new corner, located in center of branch; thence a new line, N. 37 deg. 50 min. W. 1542 ft. to a stake located on the North side of State Highway #200 and in line with the West side of Louis Walters driveway; thence a new line, N. 6 deg. 40 min. W. 3760 ft. to a concrete marker, the present city limit corner located on the North side of Franklin St. and the West side of Crowell St. Extension; thence a new line N. 20 deg. 18 min. W. 3024 ft.; to a stake, present city limit corner of the West Monroe addition to the City of Monroe; thence a new line N. 2 deg. 15 min. E. 1625 ft. to a stake located in the center of the Gold Mine Road and 15 ft. West of a 36" culvert across said road; thence a new line N. 18 deg. 15 min. E. 626 ft. to a stake located in the center of the Seaboard Air Line Railroad to Charlotte, N. C. 22 ft. North of the switch to N. K. Dickerson side track; thence with center line of Seaboard Air Line Railroad track S. 44 deg. 20 min. E. 1184 ft. to a stake, the present city limit corner; thence with the present city limit line N. 70 deg. 70 min. E. 935 ft. to a concrete marker located on the West side of U. S. Highway #74; thence along the West side of U. S. Highway #74 N. 38 deg. 00 min. W. 702 ft.; thence N. 42 deg. 35 min. W. 198 ft. to a concrete marker the present city limit corner, located on the West side of U. S. Highway #74 and in line with the northern ditch line of Patton Ave.; thence with the present city limit line along the northern ditch line of Patton Ave. N. 76 deg. 25 min. E. 2270 ft. to a concrete marker the present city limits corner located on the East side of the Secrest Short Cut Road and in line with the northern ditch line of Patton Ave.; thence with the present city limits line S. 9 deg. 35 min. E. 338 ft. to a concrete marker located on the East side of State Highway #151 to Concord, N. C.; thence with the present city limits line and with the eastern ditch line of State Highway #151 S. 8 deg. W. 324 ft. to a concrete marker located in the eastern ditch line of State Highway

City of Monroe, corporate limits, (cont'd).

#151 and the South side of Pedro St.; thence with the present city limits line N. 80 deg. 15 min. E. 1635 ft. to a concrete marker the present city limits corner, located on the West side of Cedar St.; thence, a new line, and running with J. B. Tucker's property line N. 88 deg. 30 min. E. 543 ft. to a stake a new corner, located in the center line of proposed U. S. Highway #74 and J. B. Tucker's property line; thence with the center line of the proposed U. S. Highway #74 three lines as follows: (1) S. 46 deg. 9 min. E. 483 ft., (2) S. 55 deg. 21 min. E. 4619 ft., (3) S. 36 deg. 38 min. E. 540 ft. to a stake located in the center line of the proposed U. S. Highway #74 and 430 ft. West of the center line of State Highway #200; thence three new lines running parallel to and 433 ft. from the center line of State Highway #200 and #207 as follows: (1) N. 47 deg. 18 min. E. 1664 ft.., (2) N. 30 deg. 54 min. E. 244 ft.; (3) N. 29 deg. E. 432 ft. to a stake a new corner located in the property lines of W. E. Marsh and J. Wilson Braswell; thence with their property S. 46 deg. 30 min. E. 460 ft. to a stake located on the East side of State Highway #200 and in the present city limits line; thence with the present city limits line N. 29 deg. E. 808 ft. to a point, the present city limits corner located in the center of Bearskin Creek; East side of highway bridge on State Highway #200; thence down the various courses of Bearskin Creek to a point located in the center of Richardson Creek and Bearskin Creek intersection; thence in a northerly direction along the various courses of Richardson Creek to Mary Hinson's corner; thence with Mary Hinson line S. 69 deg. 30 min. E. 1188 ft., Mary Hinson and P. O. Crater's corner; thence a new line paralleling Walkup Ave. 792 ft. from its center line N. 72 deg. 15 min. E. 1881 ft.; thence S. 82 deg. 30 min. E. 1280 ft.; thence due East 522 ft. to a point in the center of Joe's Branch; thence with Joe's Branch S. 9 deg. 15 min. E. 100 ft.; thence S. 33 deg. 43 min. E. 259.88 ft.; thence S. 2 deg. 7 min. W. 182 ft., thence S. 24 deg. 2 min. W. 337.45 ft. to a point located in the center of Ansonville Road and Joe's Branch, a corner of Charles H. McSwain and W. D. Hinson's properties, thence continuing up Joe's Branch also property line of W. D. Hinson and C. H. McSwain to the southwest corner of Chas. McSwain's property, also a corner of the camp boundary property; thence with the camp line N. 82 deg. 45 min. 30 sec. W. 789.54 ft.; thence S. 14 deg. 7 min. 40 sec. E. 808 ft. to a point located in the center of the Seaboard Air Line to Wadesboro, N. C., thence with the center line of said railroad S. 83 deg. 27 min. E. 474.7 ft.; thence S. 76 deg. 36 min. E. 2147.2 ft. to the beginning.

SEC. 4. That on and from the effective date of this Act all persons and properties located within the corporate limits of the City of Monroe, as set forth under Section 3 of this Act, shall be subject to all of the ordinances and provisions of the Charter of the City of Monroe, as contained in existing law

City of Monroe, corporate limits (cont'd).

constituting said charter, and that all persons residing within said boundaries or corporate limits shall be entitled to the same rights and privileges now exercised by the citizens of the City of Monroe, and the provisions of all valid existing ordinances of the City of Monroe are hereby extended to all of the area set forth in Section 3 of this Act; *provided, nevertheless,* no ad valorem taxes be levied or assessed for the tax year 1949 against any property included in the new boundaries of the City of Monroe, as set out in Section 3 of this Act, unless such properties were located within the city limits of the City of Monroe prior to January 1, 1949, nor shall any poll taxes be levied for the year 1949 by the Governing Body of the City of Monroe against persons residing in any area embraced within the city limits of said city as defined in Section 3 of this Act, unless such persons were residents of the City of Monroe on January 1, 1949.

Registration and voting privileges of residents of annexed territory.

SEC. 5. On and after the effective date of this Act all persons residing in the newly incorporated areas annexed by this Act and otherwise qualified to register and vote shall be entitled to register and vote in the 1949 municipal primaries and elections conducted by the City of Monroe for the purposes of electing a Mayor and Board of Aldermen for the City of Monroe, but such persons shall be required to conform to all of the laws and ordinances applicable to such primaries and elections and the conduct thereof.

Establishment of wards or precincts.

SEC. 6. That the Board of Aldermen of the City of Monroe shall have the power to define, designate and establish voting precincts or wards and polling places for the purposes of conducting municipal primaries and elections held and to be held for the City of Monroe. Until such time as the Governing Body of the City of Monroe shall establish such wards or voting precincts or extend the boundaries thereof, any and all territory annexed to said city by the provisions of this Act shall become a part of the presently existing voting precinct or ward to which such area shall or may be contiguous. The three (3) members of the Board of Aldermen of the City of Monroe shall continue to be elected at large from the city, notwithstanding any provision contained in this Act providing for the establishment or enlargement of wards or voting precincts, it being the purpose of this Section of this Act to enable the Governing Body of the City of Monroe to establish additional wards or voting precincts in its discretion and for the greater convenience of the citizens voting in municipal elections for said city.

Annexed territory part of existing wards pending action by Board of Aldermen.

Board of Aldermen elected from city at large.

Purpose of section.

Appointment of city manager authorized.

SEC. 7. That in addition to the powers and duties now exercised by the Board of Aldermen of the City of Monroe, under the charter of said city as contained in existing laws applicable to said charter, the Board of Aldermen of the City of Monroe may, in the exercise of their sound judgment and discretion, appoint a city manager who shall be the administrative head of the city government and who shall be responsible for the ad-

ministration of all departments. If so appointed, he shall be appointed with regard to merit only, and he need not be a resident of the city at the time of appointment, but during his tenure of office shall reside in the City of Monroe. He shall hold office at the pleasure of the board of aldermen and shall receive such compensation as the board of aldermen may fix by ordinance.

Qualification.

Term of office; compensation.

SEC. 8. If the Governing Body of the City of Monroe shall appoint a city manager, under the permissive provisions set forth under Section 7 of this Act, such city manager shall:

Powers and duties of city manager.

(1) Be the administrative head of the city government.

(2) See that within the city the laws of the State of North Carolina and the ordinances, resolutions, and regulations of the City of Monroe are faithfully executed.

(3) Attend all meetings of the board of aldermen and make such recommendations as he sees fit.

(4) Make reports to the board of aldermen from time to time upon the affairs of the city; keep the board of aldermen fully advised of the city's financial condition, and its future needs.

(5) Prepare the annual budget and submit it to the board of aldermen for final disposition.

(6) Appoint and remove all heads of departments or superintendents except as otherwise provided for.

(7) Perform such other functions or duties as may be assigned to him by the board of aldermen.

SEC. 9. In the event the city manager shall be disabled or absent from the city or otherwise be unable to perform his duties, the board of aldermen may appoint an acting city manager until such time as the city manager is able to resume his duties.

Appointment of acting city manager.

SEC. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 292 **CHAPTER 642**

AN ACT TO SUBMIT TO THE VOTERS OF THE TOWN OF CAROLINA BEACH THE QUESTION OF ADOPTING A CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Town of Carolina Beach, election on adoption of city manager form of government.

SECTION 1. At the regular municipal election to be held in the town of Carolina Beach, on Tuesday, the 3rd of May, 1949, there shall be submitted for determination by the qualified voters of said town voting in such election the question of the adoption of the "Plan D" form of government as defined by Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, which plan provides for a mayor, a city council, and a city manager. At such election, the question submitted to the qualified voters shall be the adoption of said "Plan D" form of government for the Town of Carolina Beach in lieu of its present form of government.

Issue submitted.

Conduct of election.

SEC. 2. The said election shall be called and conducted and the result thereof determined and declared by the Governing Body of the Town of Carolina Beach as is now provided by law for the election of the mayor and other members of the governing body of said town, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the Governing Body of the Town of Carolina Beach. At such election, ballots shall be provided for the voters containing the words "For Plan D City Government, with Mayor, a City Council, and City Manager", and "Against Plan D City Government, with Mayor, a City Council and City Manager." If a majority of the votes cast in said election shall be in favor of said "Plan D" form of government, the same shall become effective and be operative in the Town of Carolina Beach from and after the next succeeding first day of July and the municipal year shall begin on that date.

Ballots.

Effective date of new form in event of adoption.

General management and control of town.

SEC. 3. If said "Plan D" is adopted at such election the Government of the Town of Carolina Beach and the general management and control of all its affairs shall be vested in a governing body as provided by said "Plan D", as amended by this Act. The mayor and councilmen under said "Plan D" shall have and exercise all the powers and duties now or hereafter conferred upon them by the Charter of the Town of Carolina Beach, the General Ordinances of the Town of Carolina Beach and the provisions of the general law with reference to the powers and privileges of municipalities not inconsistent herewith. The City Council of the Town of Carolina Beach shall constitute its governing body and, in the conduct of said "Plan D" government for the Town of Carolina Beach, the city council shall have and exercise all such powers and duties, not inconsistent herewith, as are now conferred upon the governing body by the

Powers and duties of mayor and councilmen.

Powers and duties of City Council.

Charter of the Town of Carolina Beach, and its general ordinances and any amendment thereto.

Appointment of city manager.

SEC. 4. In the event said "Plan D" form of government, as amended by this Act, shall be adopted at said election, the city council shall appoint a city manager, who shall be the administrative head of the town government and who shall be responsible for the administration of all departments of the town government. He shall be appointed with regard to merit only and he need not be a resident of the Town of Carolina Beach when appointed. He shall hold office during the pleasure of the city council and shall receive such compensation as it shall fix by ordinance.

Legislative powers of town and governing body unabridged.

SEC. 5. In the event said "Plan D" form of government is adopted at such election, as amended by this Act, none of the Legislative Powers of the Town of Carolina Beach or of its governing body shall be abridged or impaired by this Act or by the adoption of said "Plan D" government for the Town of Carolina Beach, and all such legislative powers shall continue to be possessed and exercised by the Governing Body of the Town of Carolina Beach. In addition, all Ordinances, Resolutions, Orders, or other lawful Regulations of the Town of Carolina Beach or of any authorized commission, committee, body or official thereof, existing at the time said "Plan D" is adopted and becomes effective shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Existing ordinances, resolutions, etc., continued in force.

Governing body of town.

SEC. 6. In the event said "Plan D" is adopted at such election, as amended by this Act, the incumbent governing body at the time of the election shall continue to be the Governing Body of the Town of Carolina Beach until another governing body is elected as provided in the following paragraph:

Election of governing body.

In the event "Plan D" is adopted at such election, the Governing Body of the Town of Carolina Beach shall call an election to be held not more than fifty days after the third of May, 1949, for the purpose of electing members of the governing body as provided in Part 4 of Article 22 of Chapter 160 of the General Statutes. Such election shall be in all respects conducted and held in the same manner as provided by law for municipal elections. The term of office of the persons elected at the election called pursuant to this Section shall commence on July 1, 1949, and such persons shall hold office until their successors are elected and qualified. Elections of successors to the members of the governing body shall be held on Tuesday after the first Monday in May, 1951, and biennially thereafter.

Conduct of election.

Effective date of city manager form of government.

SEC. 7. In the event "Plan D" is adopted at the election called pursuant to this Act, said "Plan D", as amended by this Act, shall become operative with respect to the Town of Carolina Beach on July 1, 1949.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 300 **CHAPTER 643**

AN ACT TO AMEND G. S. 7-134, RELATING TO FEES OF JUSTICES OF THE PEACE IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-134, amended.

SECTION 1. G. S. 7-134, as amended, is hereby further amended by adding at the end of said Section the following:

Davidson County, fees of Justices of the Peace.

"Justices of the Peace in Davidson County shall receive the following fees and none other:

Bill of Costs for Civil Summons:

Summons	$ .60
Additional defendants	.20
Plaintiff's undertaking	.50
Defendant's undertaking	.50
Order of removal	.50
Subpoena, each	.25
Judgment not contested, each	.50
Judgment contested, each	1.50
Transcript of judgment	.25
Execution of judgment	.50
Return on appeal	.75
Jury trial and entering verdict	1.50
Issuing claim and delivery papers, and trial	2.00
Additional defendants, each	.50
Subpoenas, each	.25
Issuing attachment papers and trial and order to seize property	2.50
Additional defendants, each	.50
Subpoenas, each	.25

Bill of Costs on Criminal Warrants:

Affidavit	.25
Warrant, each	.75
Subpoena, each	.25

Commitment, each	$ .50
Recognizance, each	.15
Judgment contested	1.50
Judgment not contested	.75
Order of removal	.50
Capias and order	1.00
Jury trial and entering verdict	1.50
Sci. Fa.	1.00
Probate of deed, chattel mortgage, or deed of trust, for each signer thereof	.25
Hearing petition for widow's year's allowance, issuing notices to commissioners, allotting the same, making returns	2.00
Taking depositions, for each copy sheet	.25
Garnishment of taxes	.50
Filing and docketing laborer's lien	.75"

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 331 **CHAPTER 644**

AN ACT PROVIDING FOR AN ELECTION IN THE TOWN OF SMITHFIELD ON THE QUESTION OF THE ABOLITION OF THE FEE SYSTEM, AND RELATING TO THE SALARY OF THE MAYOR THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. The Governing Body of the Town of Smithfield in Johnston County shall call an election to be held on April 4, 1949, for the purpose of submitting to the qualified registered voters of the Town of Smithfield the question of the abolition of the fee system therein, and the further question of the limitation of the mayor's salary so as not to exceed fifteen hundred dollars ($1500.00) annually. Town of Smithfield, salary of Mayor, abolition of fee system.

SEC. 2. The election provided for in this Act shall be called and conducted, and the results canvassed and announced in accordance with the laws governing the holding of municipal primaries and elections in the Town of Smithfield. No new or special registration shall be required, and the regular registration books and election machinery shall be used and the regular Conduct of election. No new registration required.

Determination of issues upon majority of votes cast.

election officials shall serve. A majority of the qualified votes cast at this election on April 4, 1949 shall determine the issues involved, which shall be submitted to the qualified registered voters of the Town of Smithfield on ballots in substantially the following form:

Form of ballots.

☐ For abolition of fee system and for limitation of mayor's salary so as not to exceed $1500.00 annually.

☐ Against abolition of fee system and against limitation of mayor's salary so as not to exceed $1500.00 annually.

Abolition of fee system in event of majority vote therefor.

SEC. 3. In the event a majority of the votes cast in the election on April 4th are in favor of abolition of the fee system and for limitation of the mayor's salary so as not to exceed fifteen hundred dollars ($1500.00) annually, then the fee system heretofore in effect in the mayor's office shall be thereupon abolished, and all such fees thereafter collected, together with all legal fees of every nature whatsoever thereafter due police officers of the Town of Smithfield, shall be collected and paid into the General Fund of the Town of Smithfield. Furthermore, in the event a majority of the votes cast in said election are in favor of the limitation of the salary of the mayor, such salary shall thereafter be fixed by the Commissioners of the Town of Smithfield at a figure not to exceed fifteen hundred dollars ($1500.00) annually.

Limitation on salary of mayor in event of majority vote therefor.

Effect of majority vote against issues submitted.

SEC. 4. In the event a majority of the votes cast in said election are against the abolition of said fee system and against the limitation of the mayor's salary so as not to exceed fifteen hundred dollars ($1500.00) annually, then the fee system and the salary of the Mayor of the Town of Smithfield shall remain unchanged insofar as the provisions of this Act shall apply thereto.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 397 **CHAPTER 645**

AN ACT RELATING TO THE VACCINATION OF DOGS FOR RABIES.

The General Assembly of North Carolina do enact:

G. S. 106-364, vaccination of dogs for rabies, amended as to definition of "vaccination."

SECTION 1. Subsection (b) of G. S. 106-364 is amended by striking out in lines 4 and 5 of said Subsection the words and figures "containing not less than twenty per cent (20%) of fixed virus material" and inserting in lieu thereof the words "and the U. S. Bureau of Animal Industry".

G. S. 106-367, amended as to time of vaccination.

SEC. 2. G. S. 106-367 is amended by striking out the period following the word "counties" in line 5 of said Section, inserting a colon therefor and adding the following: "*Provided, however*, that the county health officer, in those counties having health officers, and the county commissioners, in those counties which do not have health officers, may require the vaccination of all dogs within any area of said county when such vaccination is deemed necessary for the control of rabies."

G. S. 106-375, amended as to authority to quarantine districts infected with rabies.

SEC. 3. G. S. 106-375 is amended by placing a comma after the word "officer" in line 1 of said Section and inserting before the word "may" in said line the following: "and in those counties where health officers are not employed, the board of county commissioners,".

G. S. 106-383, amended as to regulation of content of vaccine.

SEC. 4. G. S. 106-383 is amended by striking out in lines 5 and 6 the words and figures "contain not less than twenty per cent (20%) of fixed virus material" and inserting in lieu thereof the words "be approved by the U. S. Bureau of Animal Industry."

G. S. 106-372, amended as to fee for vaccination.

SEC. 5. G. S. 106-372 is amended by striking out in lines 4 and 17 of said Section the words "seventy-five cents" and inserting in lieu thereof the words and figures "one dollar ($1.00), to be fixed by the board of county commissioners".

G. S. 106-373, amended as to fee for vaccinations after annual vaccination period.

SEC. 6. G. S. 106-373 is amended by striking out in lines 8 and 9 of said Section the words "seventy-five cents per animal" and inserting in lieu thereof the words and figures "one dollar ($1.00) per animal, to be fixed by the board of county commissioners".

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 509 **CHAPTER 646**

AN ACT TO CREATE THE OFFICE OF TAX SUPERVISOR OF STOKES COUNTY AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STOKES COUNTY, IN ITS DISCRETION, TO APPOINT A BANK OR TRUST COMPANY TO ACT AS FINANCIAL AGENT FOR THE COUNTY.

The General Assembly of North Carolina do enact:

Stokes County, creation of office of Tax Supervisor.

SECTION 1. There is hereby created the office of Tax Supervisor of Stokes County, which said office shall be filled by the appointment of an elector of said county to exercise the duties and functions of the office. On or before the first Monday in December, 1950, and quadrennially thereafter, the Board of County Commissioners of Stokes County shall appoint some citizen of Stokes County, who shall also be an elector of said county, to exercise the duties of said office and said Tax Supervisor of Stokes County so appointed shall be inducted into office and qualify for same on first Monday in December, 1950. The Tax Supervisor of Stokes County, before entering upon the duties of his office, shall take an oath of office subscribed and sworn to before the Clerk of the Superior Court and filed in the office of said clerk in substantially the following form:

Appointment of Supervisor.

Oath of office.

Form of oath.

"I, _____, Tax Supervisor of Stokes County, North Carolina, do solemnly swear (or affirm) that I will discharge the duties of my office as Tax Supervisor of Stokes County, for the full term of said office, and according to the law in force governing such office; so help me, God.

_____(Signature)"

Powers and duties of Tax Supervisor.

SEC. 2. The Tax Supervisor of Stokes County shall have all of the powers and be charged with all of the duties pertaining to tax supervisors in Chapter 105 of the General Statutes of North Carolina, including but not by way of limitation, Subchapter II of Chapter 105 of the General Statutes, as amended or as the same may be hereafter amended. That in addition to his duties as tax supervisor, the Tax Supervisor of Stokes County shall ex-officio be the Tax Collector of Stokes County and as such tax collector, his duties shall include the collection of all taxes of whatever nature, penalties, interest and costs due the county, both current and delinquent, the collection of which is now imposed upon the sheriff, auditor or any other person collecting any of the taxes of the county in any manner whatsoever and shall also include the duty of reviewing, and correcting where necessary, the tax listings and the discovery and listing of unlisted property. The Tax Supervisor of Stokes County, as ex-officio tax collector of the county, shall be required to report all uncollected taxes to the Board of County Commissioners of Stokes County at their regular meetings on

Supervisor to be ex-officio Tax Collector; duties.

Reports of Tax Supervisor.

the first Monday of each month and in addition thereto to report and turn over to the county treasurer or the financial agent or depository designated by the board of commissioners under the authority of this Act all taxes collected at the time of each meeting on the first Monday of each month. If at any time the Tax Supervisor of Stokes County shall collect and have on hand a sum in excess of five thousand dollars ($5,000.00), it shall be the duty of the Tax Supervisor of Stokes County to immediately pay over the whole sum to the County Treasurer of Stokes County or to the duly designated financial agent or depository of Stokes County named by the board of commissioners under the authority of this Act. That all tax releases executed by the Tax Supervisor of Stokes County shall be approved by the Board of County Commissioners of Stokes County or by some agent or officer designated by the Board of County Commissioners of Stokes County for the purpose of approving such tax releases. That except as herein provided, the Tax Supervisor of Stokes County, as ex-officio tax collector of the county, shall exercise all the powers, duties and obligations given to sheriffs or tax collectors by virtue of Chapter 105 of the General Statutes, as amended or as the same may be hereafter amended, including but not by way of limitation, the powers, duties and obligations contained in Subchapter II of Chapter 105 of the General Statutes.

Collected taxes paid to county treasurer or designated depository.

Approval of tax releases by County Commissioners.

Powers and duties as ex-officio tax collector.

SEC. 3. That the Board of County Commissioners of Stokes County is hereby authorized and empowered, in its discretion, to abolish the office of county treasurer as the same now exists in Stokes County; the board shall, before abolishing the said office of county treasurer, as the same now exists, pass a resolution to that effect at least ten days before said resolution shall take effect. When the office is so abolished, the board is authorized, in lieu of a county treasurer or any ex-officio treasurer that it may now have, to appoint some solvent bank and/or trust company now located in Stokes County as financial agent of the county, which bank and/or trust company shall perform the duties now performed by the treasurer, or any ex-officio treasurer of the county. Such bank and/or trust company shall not charge or receive any compensation for its services, other than such advantages and benefits as may accrue from the deposit of the funds of Stokes County in the regular course of banking, or such sum as may be agreed upon between the said Board of County Commissioners of Stokes County and such bank and/or trust company not to exceed the sum of six hundred dollars ($600.00) per year. The bank and/or trust company, appointed and acting as financial agent of Stokes County, shall be appointed for a term of two years, and shall be required to execute the same bonds for the safekeeping and proper accounting of the funds of Stokes County as may come into its possession and for the faithful discharge of its duties as are now required by law regulating the office of county treasurer. When

Abolition of office of county treasurer authorized.

Resolution of abolition.

Appointment of bank as financial agent of county.

Compensation to bank for services.

Term of appointment of bank; bond required.

Final settlement of treasurer upon abolition of office.

the office of county treasurer is abolished, by the Board of Commissioners of Stokes County, as provided in this Section, the present treasurer of the county, or any ex-officio treasurer of the county, shall make a final settlement with the board of county commissioners on or before July 1st, 1949, and shall turn over to the County Accountant of Stokes County, or to such other county authority as the board may designate, all moneys, funds, accounts and other records which he may have in his possession by virtue of his office. Any moneys or funds turned over to the Board of County Commissioners of Stokes County or to the county accountant or any other county authority designated by the board shall be deposited as herein provided. The County Accountant of Stokes County, or any other authority of the county designated by the board of county commissioners, is hereby directed to receive and deposit in said bank and/or trust company any and all funds paid or remitted to Stokes County.

Designated authority to receive and deposit funds in bank.

Bond of Tax Supervisor.

SEC. 4. Before entering upon the discharge of his duties, the Tax Supervisor of Stokes County shall be required to give bond for the faithful performance of his duties in the collection and accounting for all taxes due Stokes County, which bond shall be not more than thirty thousand dollars ($30,000.00). Said bond may be furnished by some surety company authorized to do business in North Carolina and if furnished by a surety company, the same shall be approved by the board of county commissioners and premiums or expenses incident to the furnishing of said bond shall be paid by the board of county commissioners out of county funds. In lieu of a bond furnished by a surety company, the Tax Supervisor of Stokes County may furnish a bond with personal sureties with justification as to the sureties before the Clerk of the Superior Court, all of which shall be approved by the Board of County Commissioners of Stokes County.

Payment of premiums.

Tax records of county officials charged with collection of taxes, turned over to Tax Supervisor.

SEC. 5. As soon as the Tax Supervisor of Stokes County shall take office and furnish a bond as required by this Act, the sheriff, auditor, tax collector or any other person or official charged with the duty of collecting any taxes under any law in force prior to the effective date of this Act shall turn over to the Tax Supervisor of Stokes County any and all evidence of uncollected taxes due said county, including tax receipt books, receipts, tax books, lists and any and all papers and documents relating to the collection of taxes in Stokes County, and said sheriff, auditor, tax collector or any other person or official acting or assuming to collect any taxes by virtue of any appointment or law in force prior to the effective date of this Act and up to and including first Monday in December, 1950, shall turn over to the Tax Supervisor of Stokes County any and all tax money and tax funds and shall make full and complete settlement of all taxes with which they are then charged and shall account to

Settlement of county officials as to tax funds.

and turn over to the board of county commissioners of said county all tax money and funds on hand, but nothing contained in this Act shall operate, affect or be construed as discharging any principals or sureties heretofore given for the faithful performance of the duties of tax collector or any other person required to furnish bond and sureties for the collection of the taxes of said county, and all such bonds, sureties and obligations shall continue in full force and effect.

Existing bonds and sureties of tax collecting officials continued in force.

SEC. 6. The hours when the Tax Supervisor of Stokes County shall be on duty shall be set by the Board of County Commissioners of Stokes County.

Office hours of Supervisor.

SEC. 7. The Tax Supervisor of Stokes County shall be paid a salary of three thousand dollars ($3,000.00) per year in equal monthly installments, effective first Monday in December, 1950, which said salary shall be paid by the Board of County Commissioners of Stokes County from the general funds of the county or from any other funds that may be available for such purpose.

Salary of Tax Supervisor.

SEC. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 511 CHAPTER 647

AN ACT TO FIX THE SALARIES OF THE SHERIFF, REGISTER OF DEEDS, DEPUTY REGISTER OF DEEDS, CLERK OF THE SUPERIOR COURT AND THE ASSISTANT CLERK OF THE COURT OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first Monday in December 1950, the Sheriff of Stokes County shall be paid a salary of three thousand eight hundred dollars ($3,800.00) per annum, payable in equal monthly installments. That all fees, commissions, profits and emoluments of every kind under the present law, or hereafter by any law, accruing, belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county to be paid and entered in the General Fund of Stokes County.

Stokes County, Salary of Sheriff.

Fees, etc., of Sheriff paid into county general fund.

SEC. 2. That on and after the first day of July, 1949, the Register of Deeds of Stokes County shall be paid a salary of three thousand dollars ($3,000.00) per annum, payable in equal

Salary of Register of Deeds.

Travel allowance.

monthly installments. In addition to the regular salary of three thousand dollars ($3,000.00) per annum, as herein fixed, on and after the first day of July, 1949, the Register of Deeds of Stokes County shall be paid the sum of three hundred dollars ($300.00) per annum for travel allowance, and in addition thereto shall be paid another sum of three hundred dollars ($300.00) per annum for his services as Clerk to the Board of County Commissioners of Stokes County. That all items of compensation herein provided shall be payable in equal monthly installments. That all fees, commissions, profits and emoluments of every kind under the present law, or hereafter by any law, accruing, belonging or appertaining to the register of deeds by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county to be paid and entered in the General Fund of Stokes County.

Compensation as clerk to Board of County Commissioners.

Fees, etc., of Register of Deeds to be paid into county general fund.

Compensation of Deputy Register of Deeds.

SEC. 3. That on and after July 1, 1949, a sum not to exceed two thousand forty dollars ($2,040.00) per annum, payable in equal monthly installments, shall be paid to the Deputy Register of Deeds of Stokes County or for clerk hire, pending the appointment of a Deputy Register of Deeds of Stokes County.

Salary of Clerk Superior Court.

SEC. 4. That on and after the first day of July, 1949, the Clerk of the Superior Court of Stokes County shall be paid a salary of three thousand dollars ($3000.00) per annum, payable in equal monthly installments. That all fees, commissions, profits and emoluments of every kind under the present law, or hereafter by any law, accruing, belonging or appertaining to the Clerk of the Superior Court by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county to be paid and entered in the General Fund of Stokes County. That the increase in salary herein provided for the Clerk of the Superior Court shall be in addition to any salary or compensation received by or paid to said Clerk of the Superior Court for his services as judge of the juvenile court. That in addition to any compensation hereinbefore provided for the Clerk of the Superior Court on and after July 1st, 1949, and shall be paid to said Clerk of the Superior Court of Stokes County the sum of three hundred dollars ($300.00) per annum for travel allowance and expenses, which said sum shall be payable in equal monthly installments at the same time that the monthly installment of regular salary is paid to the clerk.

Fees, etc., of Clerk to be paid into county general fund.

Salary herein in addition to salary received as judge of juvenile court.

Travel allowance.

Compensation of Assistant Clerk of Superior Court.

SEC. 5. That on and after the first day of July, 1949, the Assistant Clerk of the Superior Court of Stokes County, or clerks hired, shall be paid a salary not to exceed the sum of two thousand and forty dollars ($2,040.00) per annum, payable in equal monthly installments.

Compensation of members of Board of Education.

SEC. 6. That on and after the first day of July, 1949, the members of the Board of Education of Stokes County shall each be paid the sum of ten dollars ($10.00) per day for each day

of official duty in connection with the services of the office. That in addition to the per diem above provided, each member of the Board of Education of Stokes County shall receive the mileage allowance now provided by law. Mileage allowance.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 535 **CHAPTER 648**

AN ACT TO AMEND SECTION 70 OF THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE SALARIES OF THE MEMBERS OF THE BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact:

SECTION 1. Section 70 of the Charter of the City of New Bern be, and the same is, hereby amended by striking out the words "two dollars" appearing in that Section and inserting in lieu thereof the words "five dollars" and by adding to that Section the words "but not to exceed one hundred twenty dollars per annum." The foregoing shall not go into effect unless approved by a majority of the votes cast by the qualified voters of the City of New Bern in the primary to be held April 5, 1949. City of New Bern, compensation of members of board of aldermen increased. Increase subject to election.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 536 CHAPTER 649

AN ACT TO AMEND SECTION 7-186 OF THE GENERAL STATUTES RELATING TO ELECTION OF RECORDER OF THE MUNICIPAL RECORDERS' COURT IN THE CITY OF NEW BERN AND TO AUTHORIZE AND EMPOWER THE BOARD OF ALDERMEN TO APPOINT RECORDER.

The General Assembly of North Carolina do enact:

G. S. 7-186, relating to Municipal Recorders Courts, amended.

SECTION 1. Section 7-186 of the General Statutes is hereby amended by striking out the clause commencing in line 18 and ending in line 23 of said Section which reads as follows: "After the first elected recorder each succeeding recorder shall be nominated and elected in the municipality in the same manner and at the same time as is now provided by law for the elective officers of the municipality, and in the general election for such officers," and inserting in lieu thereof the following: "After the term of the first elected recorder each succeeding recorder shall be appointed by the board of aldermen to serve during the term of the board of aldermen making the appointment." It being the intent and purpose of this Act to make the office of recorder appointive in lieu of elective. The foregoing shall not go into effect unless approved by a majority of the votes cast by the qualified voters of the City of New Bern in the primary to be held April 5, 1949.

City of New Bern, appointment of recorder by board of aldermen.

Purpose of Act.

Provisions of Act subject to election.

Application of Act.

SEC. 2. This Act shall apply only to the City of New Bern.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 539 CHAPTER 650

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN RELATING TO PARTICIPATION IN THE STATE RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

City of New Bern, election on question of participation in State Retirement System.

SECTION 1. Subsection 5 (a) and (b) of Section 1 of Chapter 30 of the Session Laws of 1947 be, and the same is, hereby repealed. The foregoing shall not go into effect unless approved by a majority of the votes cast by the qualified voters of the City of New Bern in the primary to be held April 5, 1949.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 540 CHAPTER 651

AN ACT TO AMEND CHAPTER 53 PRIVATE LAWS 1933.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 53, Private Laws 1933, by striking out the words "twelve hundred dollars ($1,200.00) per annum" appearing in said Chapter, and inserting in lieu thereof the words "six hundred dollars ($600.00) per annum." The foregoing shall not go into effect unless approved by a majority of the votes cast by the qualified voters of the City of New Bern in the primary to be held April 5, 1949. Ch. 53, Private Laws, 1933, amended to reduce salary of mayor, City of New Bern. Approval by voters.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect on and after July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 571 CHAPTER 652

AN ACT TO DISTRICT CURRITUCK COUNTY FOR THE PURPOSE OF THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of the nomination and election of the members of the Board of County Commissioners of Currituck County, the said county is divided into four districts, one commissioner to be nominated and elected in and from each district, the districts to be numbered and designated as follows: Currituck County, division of county into districts for nomination and election of County Commissioners.

District Number One is composed of Moyock Township; District Number Two is composed of Crawford Township; District Number Three is composed of Popular Branch Township; and District Number Four is composed of Fruitville Township. Designation of districts.

Membership of Board of County Commissioners.

Terms of present commissioners.

Designation of additional commissioners; terms.

SEC. 2. From and after the ratification of this Act, the Board of County Commissioners of Currituck County shall consist of five members. The three county commissioners now holding such office in Currituck County shall continue to hold said office until the next general election and until their successors are elected and qualified. Fitzhugh West is hereby named as the County Commissioner from Moyock Township, and Richard N. Dowdy is hereby named as the County Commissioner from Popular Branch Township. These additional two commissioners shall hold office as county commissioners from and after the ratification of this Act until the next general election and until their successors are elected and qualified.

Biennial nomination of candidates by districts.

SEC. 3. At the next primary election to be held in Currituck County for the nomination of county officers, and every two years thereafter, there shall be nominated by each of the political parties of Currituck County one commissioner for each of the four districts provided for in Section 1 of this Act, and those participating in said primary election, both as candidates and voters, shall be restricted to the qualified voters of said district.

Nomination of commissioner-at-large.

The nomination of the commissioner-at-large shall be by the electors of Currituck County voting as a whole. The candidate so nominated by his district and the candidate for commissioner-at-large shall be declared to be the candidate of his political party and duly nominated for the general election in his district and county.

Election of commissioners.

SEC. 4. The candidates so nominated from the respective districts shall in the general election be voted on only by the qualified voters of each of said districts, and one commissioner from each of said districts shall be declared elected a County Commissioner of Currituck County.

Election of commissioner-at-large.

The commissioner-at-large provided for in this Act shall be elected at the general election by the voters of Currituck County voting as a whole.

Composition of Board of County Commissioners.

SEC. 5. The county commissioners appointed in this Act and who shall be hereafter elected in the manner set out herein shall be and constitute the Board of County Commissioners of Currituck County.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 598 **CHAPTER 653**

AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA TO SELL OR LEASE ITS TELEPHONE COMPANY, AND THE DISTRIBUTION SYSTEMS OF ITS WATER AND ELECTRIC LIGHT AND POWER FACILITIES.

The General Assembly of North Carolina do enact:

University of North Carolina, sale or lease of telephone system, and utilities system.

SECTION 1. The University of North Carolina is hereby authorized and empowered, in its discretion, to sell and/or lease the telephone system owned by the University, known as the Chapel Hill Telephone Company, and the distribution system of its electric light and power facility other than such portion of the electric light and power system as supplies electric light and power to University buildings and grounds, and the water distribution system of its waterworks facility other than such portion of the water distribution system as supplies water to University buildings and grounds. Such sales and/or leases shall be for such amounts and upon such terms, notwithstanding any other provisions of law, as the Board of Trustees of the University of North Carolina and the purchasers and/or lessees may agree, and, in the event of any such sales and/or leases, said board of trustees and said purchasers and/or lessees shall make provision as to the responsibility of the University of North Carolina and the said purchasers and/or lessees with respect to the maintenance, repair, upkeep and replacement of such distribution system or systems, and any parts thereof reserved to said University. After payment of any indebtedness against the same, the proceeds of any such sales and/or leases shall be paid into the General Fund of the State.

Portions of systems reserved.

Terms of sale or lease.

Provisions with respect to maintenance, repair, etc.

Proceeds to general funds of State.

Facilities furnished at wholesale rates upon sale or lease of distribution systems.

SEC. 2. Upon a sale or lease of the electric light and power and/or water distribution systems pursuant to, and as described in this Act, the University of North Carolina may furnish electric power or current and/or water to be distributed through such distribution system or systems at such wholesale rate or rates as may be agreed upon by the Board of Trustees of the University of North Carolina and the purchasers and/or lessees.

Approval by Budget Commission of deed, leases and contracts.

SEC. 2½. All deeds, leases and contracts for the sale and/or lease of any real or personal property, utility or facility, herein authorized shall be approved by the Advisory Budget Commission as to manner and method of sale, sales price, rental or fees charged for the use of such facilities.

Effective date of granted authority.

SEC. 3. Any sales and/or leases authorized to be made by this Act may be made at any time after the effective date of this Act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 689 CHAPTER 654

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Ch. 30, Session Laws, 1947, amended as to election of aldermen, City of New Bern.

SECTION 1. Section (b) of Subsection 3 of Section 1 of Chapter 30 of the Session Laws of 1947, is hereby amended by striking out the words "PER WARD" appearing in that Section and inserting in lieu thereof the words "for each of the wards."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 694 CHAPTER 655

AN ACT TO AMEND SECTION FIFTY-TWO OF CHAPTER ONE FORTY-TWO OF THE GENERAL STATUTES OF NORTH CAROLINA, THE GENERAL FUND BOND SINKING FUND ACT.

The General Assembly of North Carolina do enact:

G. S. 142-52, amended as to retirement of general fund bonds for World War Veterans Loans.

SECTION 1. That Section 52 of Chapter 142 of the General Statutes of North Carolina is amended by adding at the end of said Section 52 the following lines: World War Veterans Loan Chapter 97 of 1927 and World War Veterans Loan Chapter 298 of 1929.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 710 **CHAPTER 656**

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS IN BEHALF OF ROCKY MOUNT CITY ADMINISTRATIVE UNIT UPON VOTE OF THE PEOPLE AND TO REGULATE THE PARTICIPATION OF SAID UNIT IN THE CAPITAL OUTLAY SCHOOL FUNDS OF NASH AND EDGECOMBE COUNTIES.

Preamble: Rocky Mount Graded School District declared nonexistant by Public Law, 1933.

WHEREAS, the Rocky Mount Graded School District, created by Chapter 53 of the Public Laws of North Carolina of 1901 and comprising territory wholly within the City of Rocky Mount, was one of the school districts which, by the provisions of Section 4 of Chapter 562 of the Public Laws of 1933, were declared nonexistent except for the purpose of paying their existing indebtedness; and thereafter, pursuant to the provisions of said Section 4, the State School Commission created a new school district out of the territory of said Rocky Mount School District and classified such new school district as a city administrative unit, which new school district or city administrative unit has since been enlarged by procedure under general law, and its territory is now wholly within the City of Rocky Mount, although not in all respects coterminous with said city; and

Creation of new district as city administrative unit.

Enlargement city administrative unit.

Complications arising due to geographical situation.

WHEREAS, the geographical situation of the City of Rocky Mount, lying in two counties, presents problems and complications to the County Commissioners of Nash and Edgecombe Counties in the financing of adequate school buildings in said city, which problems are different in kind or degree from those of any other municipality in the State; and

Negotiations for equitable plan of financing school building needs of Rocky Mount unit.

WHEREAS, representatives of the Board of Trustees of Rocky Mount City Administrative Unit have over a long period of time been in negotiation with the boards of county commissioners of said counties, seeking to arrive at an equitable, just and efficient plan to finance the school building needs of the City of Rocky Mount, and have reached an agreement concerning same, subject to legislative approval; and

Departure from State-wide pattern for financing school projects justified.

WHEREAS, the circumstances applicable to the schools in the City of Rocky Mount justify a departure from the State-wide pattern of legislation for financing the erection of school buildings as applicable to the particular situation above referred to: *Now, therefore,*

The General Assembly of North Carolina do enact:

Rocky Mount City Administrative Unit, special election on issuance of school building bonds.

SECTION 1. Whenever the Board of Trustees of the Rocky Mount City Administrative Unit (hereinafter referred to as "such district or unit") shall by resolution request the Board of Aldermen of the City of Rocky Mount to do so, said board of aldermen shall order a special election to be held in such

district or unit for the purpose of voting upon the question of issuing bonds and levying a sufficient tax for the payment thereof, for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such district or unit, or for any one or more of said purposes. The form of the question to be voted upon shall be set forth in the resolution of said board of trustees requesting that said election be ordered. In all such elections the Board of Aldermen of the City of Rocky Mount shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district or unit. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district or unit, unless such district or unit shall then be coterminous with the City of Rocky Mount (in which event the notice shall so state), the maximum amount of bonds to be issued, and the fact that a sufficient tax will be levied on all taxable property within such district or unit for the payment of the principal of and interest on the bonds. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such district or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district or unit at least thirty days before the closing of the registration books; *provided, however,* that in the event that there shall be two such elections in any one ten-year period during which the boundaries of such district or unit shall not have been changed, then there need not be a new registration required for the second election, and in such case due provisions shall be made for the registration of any new voters and their addition to the registration lists. The notice of registration may be considered one of the three notices of election required by this Section. Such published notice of registration shall state the dates on which the books will be opened for registration of the voters and the place or places at which they will be opened on Saturday. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day. Except as otherwise provided in this Act, such election shall be held in accordance with the laws governing municipal elections of the City of Rocky Mount. The form of the question, as stated on the ballots, shall be in substantially the following words: "For the issuance of $_____ School Bonds and the levying of a sufficient tax for the payment thereof," and "Against the issuance of $_____ School Bonds and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon

Form of question submitted.

Conduct of election.

Notice of election.

Contents of notice.

Publication of notice.

New registration.

Publication of notice of registration.

Challenge day.

Form of ballots.

separate ballots or both thereof may be printed on one ballot, with accompanying squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark.

Printing of ballots.

SEC. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the Board of Aldermen of the City of Rocky Mount, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. Said board of aldermen shall prepare a statement showing the number of votes cast for and against the bonds and declaring the result of the election, which statement shall be signed by the Mayor and attested by the Clerk of the City of Rocky Mount, and said clerk shall record it in the minutes of said board of aldermen and file the original in his office, and publish it once in a newspaper published or circulating in such district or unit.

Tabulation of votes.

Declaration of results of election.

Statement of results.

SEC. 3. No right of action or defence founded upon the invalidity of such election shall be asserted, nor shall the validity of such election or the right or duty to levy a sufficient tax for the payment of the principal of and interest on such bonds be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding Section.

Limitation on actions contesting validity of election.

SEC. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and the levy of such tax, then the Board of Aldermen of the City of Rocky Mount may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name of the City of Rocky Mount on behalf of the Rocky Mount City Administrative Unit, and shall be made payable exclusively out of the taxes to be levied in such district or unit, except that the board of trustees of such district or unit may pay from capital outlay funds received from Nash County or Edgecombe County any part of the principal of or interest on said bonds. Said bonds shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the Board of Aldermen of the City of Rocky Mount may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and

Issuance of bonds in event of majority vote therefor.

Provision for payment of bonds.

Form and denomination of bonds.

Serial bonds.

ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board of aldermen. They shall be signed by the Mayor of the City of Rocky Mount and the seal of said city shall be affixed to or impressed upon each bond and attested by the City Clerk of the City of Rocky Mount; and the interest coupons shall bear a facsimile signature of the City Clerk of the City of Rocky Mount in office at the date of said bonds or at the delivery thereof. The delivery of bonds so executed shall be valid notwithstanding any change in the officers or in the seal of the City of Rocky Mount occurring after the signing and sealing of the bonds. After the resolution of the board of aldermen takes effect, bonds may be issued in conformity with its provisions at any time within five years after the passage of such resolution, unless such resolution shall have been repealed, which repeal is permitted unless notes issued in anticipation of the proceeds of the bonds shall be outstanding. Said bonds shall be obligations of the Rocky Mount City Administrative Unit and not obligations of the City of Rocky Mount.

Rate of interest.

Execution of bonds.

Interest coupons.

Time within which bonds may be issued.

Bonds to be obligation of City Administrative Unit.

Special tax levy on property in unit authorized.

SEC. 5. The Board of Aldermen of the City of Rocky Mount is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in such district or unit, sufficient to pay the principal of and interest on all bonds issued under this Act, as such principal and interest become due, *provided however,* that such tax may be reduced by the amount of other moneys appropriated and actually available for said purpose. Said taxes shall be collected in the same manner as other taxes levied by the City of Rocky Mount and shall be applied solely to the payment of the principal of and interest on such bonds.

Collection and application of taxes.

Limitation on amount of outstanding bonds.

SEC. 6. The total amount of bonds at any one time outstanding issued under this Act, plus the total amount of bonds of the Rocky Mount Graded School District then outstanding, shall not exceed eight per cent of the assessed valuation of taxable property within the boundaries of such district or unit as last fixed for taxation by the City of Rocky Mount.

Powers conferred by Act declared supplemental.

SEC. 7. The powers conferred by this Act with respect to the issuance of bonds shall be regarded as supplemental and in addition to powers conferred by other laws.

Act constitutes authority for proceedings authorized.

SEC. 8. This Act shall constitute full authority for the things herein authorized with respect to the issuance and payment of bonds, and no proceedings, publications, notices, consents, or

approval shall be required for the doing of such things except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsements of such approval upon bonds, and disposition of the proceeds, shall be applicable to bonds authorized by this Act. The proceeds shall be paid out only upon order of the board of trustees of such district or unit. Any bonds reciting that they are issued pursuant to this Act shall in any action or proceeding involving their validity be conclusively deemed to be fully authorized by this Act and to have been issued, sold, executed, and delivered, in conformity herewith and with all other provisions of the statute applicable thereto and shall be incontestable, anything herein or in any other statutes to the contrary notwithstanding, unless such action or proceeding is begun prior to the delivery of such bonds.

Application of Local Government Act.

Regularity and validity conclusively presumed.

SEC. 9. This Act shall in no wise affect an agreement heretofore made between the Board of Trustees of Rocky Mount Graded School District and the Boards of County Commissioners of Nash and Edgecombe Counties by which each of said counties agreed to furnish from time to time to the Board of Trustees of Rocky Mount Graded School District one-half of the amount necessary to pay principal of and interest on the bonds of Rocky Mount Graded School District now outstanding and unpaid. Said counties shall not be required at any future time to assume the payment of bonds hereafter issued under the authority of this Act, but nothing herein shall prevent said counties from assuming such payment.

Agreement as to payment of outstanding bonds of Rocky Mount Graded School District unaffected.

SEC. 10. Budgets for capital outlay as required to be submitted by city administrative units to county commissioners, as set forth in G. S. 115-363, shall be submitted for purpose of information by the board of trustees of such district or unit to the Boards of County Commissioners of Nash and Edgecombe Counties.

Budgets for capital outlay.

SEC. 11. All county-wide capital outlay school funds coming into possession of the Board of County Commissioners of Nash and Edgecombe Counties, or either of them, whether such funds be derived from taxes, proceeds of bonds or notes, appropriations from profits of the Alcoholic Beverage Control Stores, loans or grants from State or Federal governments, or any subdivision or agency thereof, or from any other source whatever, shall be apportioned, so far as respects the proper share of such district or unit, not on the budget basis designated by G. S. 115-363 for capital outlay funds, but upon the per capita enrollment basis as provided in the preceding paragraph of G. S. 115-363 for county-wide expense funds. The county-wide enrollment basis determined by the State Board of Education, based upon residence and irrespective of location of school attended, and certified to administrative units for distribution of current expense

Apportionment of county-wide capital outlay school funds on enrollment basis.

Participation of administrative unit in capital outlay school funds.

funds, shall, in respect of capital outlay school funds available to the County Commissioners of Nash and Edgecombe Counties from all sources, govern the participation of said administrative unit in such capital outlay funds. In case there shall hereafter be a change in the present law governing the distribution of current expense funds so that the procedure herein provided for determining such district's or unit's proportion of capital outlay funds shall no longer be available, then the board of trustees of such district or unit and the boards of commissioners of said counties are directed to endeavor to agree upon a substitute formula for determining the amount of said district's or unit's participation in the county capital outlay funds. In case of disagreement, the Resident Superior Court Judge of the judicial district which includes such district or unit is hereby authorized to determine after notice and hearing the percentage of participation to which such district or unit is entitled as near as may be in accordance with the standard of participation provided by this Act, and said counties are directed to make distribution accordingly. Funds due to such district or unit of such counties shall be remitted monthly as such funds become available to said counties, whether from the collection of taxes, issuance of bonds, or other receipts.

Procedure in event of change in present law governing distribution of funds.

Procedure in event of disagreement as to percentage of participation.

Monthly remittance of funds.

Rights of bondholders unaffected.

SEC. 12. The right of such district or unit to receive from Nash and Edgecombe Counties a proportion of their capital outlay funds shall in no wise affect or limit the obligation of such district or unit to the holders of bonds issued pursuant to this Act.

Use of capital outlay funds.

SEC. 13. Capital outlay funds when received from Nash County or Edgecombe County may be used either for the payment of the principal of and interest on bonds issued under this Act, or for the purpose of making capital expenditures for the school system in such district or unit, as the board of trustees of such district or unit may determine.

Contract of loans from State or Federal governments.

SEC. 14. The board of trustees of such district or unit are hereby authorized to contract loans from the State and Federal governments or any subdivisions or agencies of either, and to enter into such contracts as may be necessary to receive such loans and to receive grants. A vote of the people shall not be required for the contracting of such loans unless the lending authority or agency shall require the same, or unless the levying of taxes upon property in such district or unit shall be required in connection with the payment of such loans or interest thereon. Such loans shall not be included in determining the debt limitation hereinbefore set forth unless the payment of such loans may involve the use of the taxing power.

Application of provisions of G. S. 115-159.

SEC. 15. The provisions of G. S. 115-159 are applicable to such district or unit and the Board of Aldermen of the City of Rocky Mount are directed to perform the duties imposed by said statute upon "the commissioners" therein referred to.

SEC. 16. The State Board of Education, in allotting funds for the expenditures enumerated in G. S. 115-356, shall deal directly with the board of trustees of such district or unit.

Allotment of funds for enumerated expenditures.

SEC. 17. Provisions in G. S. 115-363 are applicable to such district or unit as modified only by the provisions of this Act.

Application of provisions of G. S. 115-363.

SEC. 18. In case of loss of or damage to school buildings or equipment in such district or unit, the proceeds of insurance policies covering such property shall be payable to the treasurer of such district or unit and may be used by the board of trustees for repairs, restoration, new buildings, equipment, or retirement of outstanding indebtedness, as said board of trustees may deem wise.

Payment of proceeds of insurance policies in case of loss or damage to buildings, etc.

SEC. 19. Such district or unit shall participate in the current expense funds and any other general school funds of Nash and Edgecombe Counties to the same extent as any other city administrative unit would do.

Participation in general school funds of Nash and Edgecombe Counties.

SEC. 20. The authority of the Board of Aldermen of the City of Rocky Mount to levy supplemental taxes upon the property in such district or unit for the operation of the schools thereof in consequence of an election heretofore held, as said right may be hereafter modified by procedure under general law, shall in no wise be limited by this Act. The tax levying authorities of the City of Rocky Mount are hereby declared to be the tax levying authorities of such district or unit within the meaning of Chapter 115 of the General Statutes.

Authority to levy supplemental taxes not limited by this Act.

Tax levying authorities of district.

SEC. 21. All laws and portions of laws in conflict with this Act are hereby repealed, but only to the extent of said conflict.

Conflicting laws repealed.

SEC. 22. This Act shall be in force from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 756 **CHAPTER 657**

AN ACT TO ALLOW THE VOTERS OF THE TOWN OF EDENTON TO EXPRESS THEIR WILL AS TO WHETHER OR NOT SAID TOWN SHALL CONTINUE TO HAVE PARKING METERS.

The General Assembly of North Carolina do enact:

SECTION 1. At the next regular election which is held in the Town of Edenton in 1949, there shall be submitted to the qualified voters of said town the question of whether or not the Town of Edenton shall continue to have and maintain parking meters.

Town of Edenton, election on question of continued use of parking meters.

Form of ballot.

SEC. 2. At said election the qualified voters who are in favor of having parking meters in said town shall vote a ballot on which are the words "For Parking Meters" and those who are opposed to having parking meters in said town shall vote a ballot on which are the words "Against Parking Meters".

Continuation of meters in event of majority vote therefor.

SEC. 3. If at said election a majority of the votes cast on the foregoing subject are "For Parking Meters", the Town of Edenton may continue to have and maintain parking meters, and the second paragraph of Subsection 31 of G. S. 160-200 shall remain in full force and effect as the same applies to the Town of Edenton.

Disposition of meters in event of majority vote against continued use.

SEC. 4. If at said election a majority of the votes cast on the foregoing subject be "Against Parking Meters", the Town of Edenton shall, within thirty days after the debt which the Town of Edenton now owes on said parking meters has been paid in full, take down and dispose of said parking meters by either public or private sale, without advertising, and the second paragraph of Subsection 31 of G. S. 160-200 shall be repealed in so far as the same applies to the Town of Edenton.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 824 CHAPTER 658

AN ACT RELATING TO AN EXPENSE ALLOWANCE FOR THE SHERIFF OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Pasquotank County, expense allowance of Sheriff.

SECTION 1. The Board of Commissioners of Pasquotank County is hereby authorized, in its discretion, to pay to the Sheriff of Pasquotank County each month, as an expense allowance, a sum not in excess of fifty dollars ($50.00), in addition to any and all other compensation now allowed said Sheriff.

Allowance to be retroactive.

Such allowance shall be paid out of the general fund of the county, and may be paid retroactively to March 1, 1949.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 855 **CHAPTER 659**

AN ACT TO FIX THE TURNKEY FEE ON PRISONERS IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Clerk of the Court of Scotland County shall receive a fee for the admission and release of prisoners from the Scotland County jail, in the amount of one dollar ($1.00) for each prisoner, said fee to be placed in the General Fund of the Treasury of Scotland County.

Scotland County, turnkey fee on prisoners.

Payment into general fund.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 856 **CHAPTER 660**

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Register of Deeds of Scotland County shall be entitled to receive fees as follows:

Scotland County, fees of Register of Deeds.

For registering any deed or other writing authorized to be registered by him with certificate of probate or acknowledgment containing not more than three copy sheets, one dollar and fifty cents ($1.50), and for every additional copy sheet, fifteen cents (15c); *provided, however,* that the minimum fee for any paper to be recorded shall be one dollar ($1.00).

For recording plats, twenty-five cents (25c) per lot, with a maximum fee of five dollars ($5.00) and a minimum fee of three dollars ($3.00) for any plat to be recorded, said plats being of the standard size of 18 x 22 inches.

SEC. 2. The fees set out in Section 1 of this Act shall be collected by the Clerk of the Superior Court of Scotland County, and placed in the General Fund of the Treasury of Scotland County.

Collection and payment into general fund.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 890 **CHAPTER 661**

AN ACT TO VEST POLICE OFFICERS OF THE TOWN OF CHERRYVILLE WITH SAME AUTHORITY AS CONSTABLES WITHIN THE CORPORATE LIMITS AND ONE MILE BEYOND.

The General Assembly of North Carolina do enact:

Town of Cherryville, police authority extended.

SECTION 1. The Chief of Police and other Police Officers of the Town of Cherryville shall be vested with authority within and one mile beyond the corporate limits thereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 895 **CHAPTER 662**

AN ACT RELATING TO THE FEES OF THE JURORS IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 228, Session Laws, 1945, repealed.

SECTION 1. Chapter 228 of the Session Laws of 1945 is hereby repealed.

Granville County, fees of jurors.

SEC. 2. From and after the ratification of this Act, the fees to be paid jurors in Granville County shall be as provided in Section 9-5 of the General Statutes.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 899 CHAPTER 663

AN ACT RELATING TO THE FEES FOR JUSTICES OF THE PEACE IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In addition to other fees allowed by law, Justices of the Peace in Edgecombe County shall receive a fee of two dollars ($2.00) for each trial when issues are joined, and one dollar ($1.00), if no issues are joined, for trial and judgment.

Edgecombe County, fees of Justices of the Peace.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 903 CHAPTER 664

AN ACT TO AMEND SECTIONS 161-10 AND 161-10.1 OF THE GENERAL STATUTES OF NORTH CAROLINA AND CHAPTER 152 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION 1921, FIXING THE FEES OF THE REGISTER OF DEEDS OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Register of Deeds of Perquimans County shall be entitled to receive fees in lieu of those allowed in Sections 161-10 and 161-10.1 of the General Statutes of North Carolina, and Chapter 152 of the Public-Local and Private Laws of North Carolina, Session 1921, as follows:

Perquimans County, fees of Register of Deeds.

For recording, indexing, and cross indexing statutory form of chattel mortgage, seventy-five cents (75c); for recording, indexing, and cross indexing all other forms of chattel mortgages, the fee to be the same as that of recording deeds and deeds of trust, or mortgages;

For cancelling chattel mortgages, twenty-five cents (25c);

For indexing and cross indexing deeds and deeds of trust, or mortgages, ten cents (10c) per additional name over two names constituting grantors, and all over one cross indexing constituting grantees;

For registering any deed or other writing authorized to be registered, one dollar and fifty cents ($1.50) for the first three

hundred words, and twenty-five cents (25c) for each additional one hundred words, or fraction thereof;

For issuing marriage license, one dollar and fifty cents ($1.50);

SEC. 2. All other fees provided for in said G. S. 161-10 and 161-10.1, and Chapter 152 of the Public-Local and Private Laws of N. C., Session 1921, shall remain in full force and effect.

Application of Act.

SEC. 3. This Act shall apply only to Perquimans County.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 941 CHAPTER 665

AN ACT RELATING TO THE COMPENSATION OF THE JUDGE, SOLICITOR AND CLERK OF THE GATES COUNTY RECORDER'S COURT, AND OF THE SHERIFF OF SAID COUNTY FOR HIS ATTENDANCE UPON SAID COURT.

The General Assembly of North Carolina do enact:

Gates County Recorder's Court, salary of Judge and Prosecuting Attorney.

Compensation of clerk, and of sheriff for attendance upon court.

SECTION 1. The salaries of the Judge and Prosecuting Attorney of the Gates County Recorder's Court shall be fixed by the board of county commissioners in an amount not to exceed an annual salary of one thousand two hundred dollars ($1,200.00) each, and the compensation of the clerk of said court and of the sheriff, for his attendance upon said court and services rendered in connection with said court, shall be fixed by the board of county commissioners in an amount not to exceed six hundred dollars ($600.00) per year each, all of such salaries and compensation, when so fixed, to be payable in equal monthly installments.

Conflicting laws repealed.

Ch. 52, Session Laws, 1943, amended.

SEC. 2. All laws and clauses of laws in conflict herewith, and specifically Sections 3, 4 and 5 of Chapter 52 of the Session Laws of 1943, are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 986 **CHAPTER 666**

AN ACT RELATING TO COMPENSATION OF THE SHERIFF AND TREASURER OF CHOWAN COUNTY, AND THE JUDGE, PROSECUTING ATTORNEY AND CLERK OF THE CHOWAN COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Chowan County is hereby authorized, in its discretion, to increase the salary of any or all of the following officials: The Sheriff and Treasurer of Chowan County, and the Judge, Prosecuting Attorney and Clerk of the Chowan County Recorder's Court, but the overall amount of any such increase shall not exceed fifty dollars ($50.00) per month for any one official.

Chowan County, salary increases for certain officials authorized.

Limitation.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective April 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 1003 **CHAPTER 667**

AN ACT TO AMEND CHAPTER 43 OF THE PRIVATE LAWS OF 1905 RELATING TO THE CHARTER OF THE TOWN OF GRANITE QUARRY SO AS TO PROVIDE FOR AN ADDITIONAL AMOUNT OF POLL TAX LEVIES IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. Section 3 of Chapter 43 of the Private Laws of 1905 is amended by striking out in the last line of said Section the words and figures "seventy-five (75) cents" and inserting in lieu thereof the words and figures "one dollar ($1.00)".

Ch. 43, Private Laws, 1905, amended to increase rate of poll tax, Town of Granite Quarry.

SEC. 2. All actions heretofore taken by the Governing Body of the Town of Granite Quarry in levying a poll tax in excess of seventy-five cents (75c) are hereby in all respects validated and confirmed.

Prior levies validated.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 1040 **CHAPTER 668**

AN ACT TO AUTHORIZE THE COPYING OF THE NAMES OF THE REGISTERED ELECTORS IN THE PRECINCTS WITHIN THE CORPORATE LIMITS OF THE CITY OF GREENSBORO FROM THE GENERAL ELECTION REGISTRATION BOOKS AND TO MAKE SUCH ELECTORS ELIGIBLE TO VOTE IN MUNICIPAL PRIMARIES AND ELECTIONS.

Preamble: Guilford County, voting precincts.

WHEREAS, the voting precincts, as established by the County Board of Elections of Guilford County, are wholly within or wholly without the corporate limits of the City of Greensboro; and

Greensboro city precincts coterminus with county precincts.

WHEREAS, the voting precincts within the corporate limits of the City of Greensboro, as established by the City Council of the City of Greensboro for municipal elections, are coterminus with precincts established by the county board of elections; and

Possibility of new county wide registration.

WHEREAS, a new registration is likely to be called by the County Board of Elections of Guilford County for the primary and general election for the year 1950; and

WHEREAS, it is desirable that all eligible voters may have an opportunity to exercise their franchise in all elections; *Now, therefore,*

The General Assembly of North Carolina do enact:

General election registration books for city precincts, made available to city clerk.

SECTION 1. That prior to the next municipal primary election to be held in the City of Greensboro after a new registration is called by the Guilford County Board of Elections, the Chairman of the Guilford County Board of Elections shall make available to the City Clerk of the City of Greensboro the general election registration book or books of each precinct within the corporate limits of the City of Greensboro, and the city clerk shall have copied from the general election registration book or books for each precinct within the corporate limits of the City of Greensboro into a new registration book or books the names of all registered electors shown on said general election registration book or books and shall record in said new registration books opposite each name information available with reference to race, age, and residence of such elector. The City Clerk of the City of Greensboro shall supervise the transferring of the names from the general election registration books into new registration books of the city and shall, upon the completion of such transfer, return each of said general election registration books to the Chairman of the Guilford County Board of Elections. Said new registration books shall be the official registration books of the city.

Transfer of registrants to new registration books for city precincts.

Supervision of transfer by city clerk.

General registration books returned to chairman of County Board of Elections.

Procedure for voting where registrant was not transferred to city registration books.

On the first primary day and on the first election day after a new registration is called by the Guilford County Board of Elections, the Chairman of the Guilford County Board of Elections shall turn over to the City Clerk of the City of Greensboro the general election registration book or books of each precinct within the corporate limits of the City of Greensboro, and in the event that any person should appear at a polling place on the city primary or election day above mentioned and contend that such person was registered in such precinct for the primary or general election during the new county-wide registration and the name of such person does not appear on the registration book of the city, such person may, if in fact so registered on the general registration book of the county, obtain from the city clerk a certificate to the effect that such person was properly registered on the general registration book of the county, and it shall be the duty of the registrar of the precinct, in which such person is registered, to place the name of such person on the city registration book. On the day following said city election, the city clerk shall return each of said general election registration books to the Chairman of the Guilford County Board of Elections.

Eligibility for voting after new registration.

All persons registered in the respective precincts within the corporate limits of the City of Greensboro whose names appear in the general election registration books, as shown immediately after the new registration hereinabove mentioned and who are otherwise qualified, shall be eligible to vote in the next city primary and city election to be held in the City of Greensboro after said new registration, and thereafter every person thus registered, whose name appears in the registration books of the city and who is otherwise qualified, shall thereafter be entitled to vote in the city primaries and elections; *provided* that the city registration books shall be open for new registrations for city primaries or elections, as provided by law.

New registrants transferred to city registration books after each general election.

SEC. 2. That following each general election held in Guilford County, except the general election for which a new registration is called as mentioned in Section 1 of this Act, the chairman of the county board of elections shall cause the name of all new electors registered in each precinct to be copied, together with the race, age, and residence of such electors and shall certify such information to the City Clerk of the City of Greensboro. The City Clerk of the City of Greensboro shall cause the names of said electors to be copied in the proper registration books of the city, and all persons thus registered, who are otherwise qualified, shall thereafter be eligible to vote in the city primaries and elections. That all costs incident to the furnishing of names and information by the chairman of the county board of elections shall be borne by the City of Greensboro.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 1041 CHAPTER 669

AN ACT TO AMEND 110-44, GENERAL STATUTES OF NORTH CAROLINA, AS THE SAME APPLIES TO THE CITY OF GREENSBORO IN GUILFORD COUNTY, WHEREBY AN ASSISTANT JUDGE OF JUVENILE COURT IS PROVIDED.

The General Assembly of North Carolina do enact:

G. S. 110-44, relating to City Juvenile Courts, amended.

SECTION 1. That 110-44, General Statutes of North Carolina, as the same applies to the City of Greensboro in Guilford County, North Carolina, is hereby amended by adding the following at the end of the first paragraph of said Section 44 at the end of line 28, to wit:

City of Greensboro, election of assistant judge.

Duties of assistant judge.

"The City Council of the City of Greensboro is hereby given the authority to elect an assistant judge of the juvenile court maintained in the City of Greensboro who shall hold office during the pleasure of the city council. Said assistant judge shall preside over said court when the judge is prevented from attending to his duties on account of illness or other disability or by absence from the City of Greensboro."

Application of Act.

SEC. 2. That this Act shall apply to the City of Greensboro in Guilford County only.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 1043 **CHAPTER 670**

AN ACT TO AMEND CHAPTER 210, PRIVATE LAWS OF 1925, THE SAME BEING AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO APPOINT A CITY LAKE FISHING COMMISSION AND TO DELEGATE TO IT CERTAIN POWERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 210, Private Laws of 1925, is hereby amended by striking out the words "City Lake Fishing Commission" where the words appear in said Chapter 210, and substituting in lieu thereof the following words, "City Council of the City of Greensboro."

Ch. 210, Private Laws, 1925, amended to revest powers of Greensboro City Lake Fishing Commission in City Council.

SEC. 2. That the City Council of the City of Greensboro may delegate to the Greensboro Recreation Commission, or any other board or commission of the city, such powers and duties, relative to the operation of the Greensboro City Lake with respect to the matters contained in said Chapter 210, as it deems advisable.

Delegation of powers and duties relative to operation of City Lake.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 94 **CHAPTER 671**

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO ORGANIZATION OF POLITICAL PARTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 163-1 of the General Statutes of North Carolina be repealed and the following substituted therefor:

G. S. 163-1, relating to elections and election laws, rewritten.

"SECTION 163-1. Political Party Defined; Creation of New Party. A political party within the meaning of the election laws of this State shall be—

"Political party" defined.

(1) Any group of voters which, at the last preceding general State election, polled for its candidate for governor, or for presidential electors, in the State at least ten per cent of the entire vote cast therein for governor, or for presidential electors; or

(2) Any group of voters which shall have filed with the State Board of Elections by twelve o'clock noon, on or before the first

Procedure for creation of new party.

Petition of intention to organize new party.

Contents of petition.

Proof of signatures.

Certificates of chairmen of county boards of election as to signatures to petition.

Contents of certificates.

Fee to chairmen for names checked.

day of July preceding the day on which a general State election is held petitions signed by ten thousand persons who are at that time registered and qualified voters in this State, declaring their intention to organize a new State political party, the name of which party shall be stated on the petitions together with the name and address of the State chairman thereof, and also there shall be set forth on the petitions a declaration of their intention of participating in the next succeeding election and affiliating with said new State political party by voting for the nominees thereof. The signatures of the persons signing such petitions shall be proven before some officer authorized to take acknowledgments of deeds and other instruments which may be recorded and such acknowledgments certified by such officer, or the genuineness of such signatures shall be proven by the oath and examination before such officer by a person in whose presence the petitions were signed and such proof certified by such officer. Such petitions must be accompanied by certificates signed by the chairmen of the county boards of elections in the several counties in which signatures to the petitions are obtained, certifying that the signatures on the petitions have been checked against the registration books and showing the number and indicating by check marks on the petitions the names of the petitioners who are duly qualified and registered voters in such county. The group of petitioners shall pay to the chairmen of the county boards of elections who check the signatures on the petitions a fee of five cents for each name checked on the petitions.

Similarity of name to existing party prohibited.

Names of candidates chosen in convention certified to State Board of Elections.

Names of nominees printed on official ballots.

County ballots.

Termination of existence upon failure to cast required votes.

Party receiving three percent of presidential vote continued to 1952.

No such group of petitioners shall assume a name or designation which shall be so similar, in the opinion of the State Board of Elections, to that of an existing political party as to confuse or mislead the voters at an election, and which name or designation shall not contain the same word that appears in the name or designation of any existing State political party. When any new political party has qualified for participation in an election as herein required, and has furnished to the State Board of Elections by the first day of August prior to the election the names of such of its nominees named in a convention of such party, for State, Congressional and National offices as is desired to be printed on the official ballots, it shall be the duty of the State Board of Elections to cause to be printed on the official ballots furnished by it to the counties the names of such nominees. No names of any candidates of any new party shall be printed on the county ballots in any county for the first election held after the filing of such petitions. When any political party fails to cast ten per cent of the total vote cast at any election for governor, or for presidential electors, it shall cease to be a political party within the meaning of this Chapter. *Provided*, that notwithstanding any other provision of this Section, any group of voters which at the 1948 general election polled for its candidates for presidential electors in the

State at least three per cent of the total vote cast therein for presidential electors shall be deemed to be a political party within the meaning of the election and primary laws of this State until the regular general election of 1952 is held."

G. S. 163-144, amended as to definition of "political party" for primary elections.

SEC. 2. That Section 163-144 of the General Statutes of North Carolina be amended by striking out the word "three" in line 5 thereof and substituting therefor the word "ten".

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 95

CHAPTER 672

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE ELECTION LAWS.

The General Assembly of North Carolina do enact:

G. S. 163-11, amended as to qualification of member of county board of elections.

SECTION 1. That Section 163-11 of the General Statutes of North Carolina be amended by adding a new paragraph at the end thereof as follows: No person, while acting as a member of a county board of elections, shall serve as a county campaign manager of any candidate in a primary or election.

G. S. 163-108 and G. S. 163-155, amended as to entry of candidate on presidential ballot.

SEC. 2. That Section 163-108 and Section 163-155 (a) of the General Statutes of North Carolina be amended by adding after the words "or group of petitioners" wherever they appear in either of said Sections, the following: "who have qualified under the provisions of Section 163-1 of the General Statutes of North Carolina as a political party".

G. S. 163-77.10, printing and distribution of absentee ballots, amended.

SEC. 3. That Section 163-77.10 of the General Statutes of North Carolina be amended by changing the word "August" therein to the word "September".

G. S. 163-119, amended as to time of filing notice of candidates.

SEC. 4. That Section 163-119 of the General Statutes of North Carolina be amended by striking out from the first paragraph thereof the words "by 6:00 o'clock P. M." and substituting therefor the words "by 12:00 o'clock Noon".

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 127 **CHAPTER 673**

AN ACT TO PROHIBIT THE DISCLOSURE OF CONFIDENTIAL INFORMATION ACQUIRED BY THE COMMISSIONER OF LABOR AND HIS CONCILIATORS IN THE MEDIATION AND CONCILIATION OF LABOR DISPUTES.

The General Assembly of North Carolina do enact:

G. S. 95-36, amended.

SECTION 1. Amend G. S. 95-36 by adding at the end of said Section a new paragraph, which shall read as follows:

Disclosure of information acquired in mediation and conciliation of labor disputes.

"The Commissioner of Labor, any conciliator or conciliators and all other employees of the Commissioner of Labor engaged in the enforcement and duties prescribed by this Article, shall not be compelled to disclose to any administrative or judicial tribunal any information relating to, or acquired in the course of their official activities under the provisions of this Article, nor shall any reports, minutes, written communications, or other documents or copies of documents of the Commissioner of Labor and the above employees pertaining to such information be subject to subpoena: *Provided,* that the Commissioner of Labor, any conciliator or conciliators and all other employees of the Commissioner of Labor engaged in the enforcement of this Article, may be required to testify fully in any examination, trial, or other proceeding in which the commission of a crime is the subject of inquiry."

Testimony in investigation and prosecution of crimes.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 145 **CHAPTER 674**

AN ACT TO AMEND CHAPTER 343 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1893 AS AMENDED BY CHAPTER 187 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1921, AND CHAPTER 285 OF THE SESSION LAWS OF 1945 RELATING TO THE FARMERS MUTUAL FIRE INSURANCE ASSOCIATION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 343, Laws of 1893, relating to Farmers Mutual Fire Insurance Association, amended to raise limit of risk in any one county.

SECTION 1. Chapter 343 of the Acts of the General Assembly of North Carolina, ratified on the sixth day of March, 1893, as amended by Chapter 187 of the Private Laws of North Carolina, Session 1921, and by Chapter 285 of the Session Laws of 1945, is hereby further amended by striking out the word "ten" between words "exceed" and "million" in line 3 of Section 6, and inserting in lieu thereof the word "twenty".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 179 **CHAPTER 675**

AN ACT TO REQUIRE INSPECTION OF ALL USED OUT-OF-STATE CARS BEFORE REGISTRATION IN THIS STATE.

The General Assembly of North Carolina do enact:

Inspection of used out-of-State cars required before registration in this State.

SECTION 1. Before any motor vehicle, which has been registered or licensed for use in any other state or foreign country, can be registered for use upon the highways of this State, as required by the motor vehicle laws, the person applying for said license shall be required to file with the Motor Vehicle Department a certificate signed by a member of the State Highway Patrol showing that the motor vehicle has been inspected by said official, and that the same is in such mechanical condition as to meet the requirements and laws of this State as to motor vehicles which may be lawfully operated upon the streets and highways of this State. The members of the State Highway Patrol shall be required to make the necessary inspections of such motor vehicles and when, from such inspections, it is found that such motor vehicles desired to be registered in this State are in such mechanical condition as to meet the re-

Inspections and issuance of certificates by members of State Highway Patrol.

quirements of the laws of the State, furnish the certificate herein provided for to the applicant without any charge being made for such services.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective on and after ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 207 CHAPTER 676

AN ACT RELATING TO VENUE AND ENLARGING THE DISCRETIONARY POWERS OF JUDGES TO DECLINE JURISDICTION OF CIVIL CASES ARISING OUT OF THE STATE WHEREIN THE PLAINTIFF AND DEFENDANT ARE BOTH NONRESIDENTS OF THE STATE.

The General Assembly of North Carolina do enact:

Civil actions arising out State; dismissal without prejudice, where parties are nonresidents.

SECTION 1. For the convenience of parties and witnesses and in the interest of justice, any judge of any court in this State may dismiss without prejudice any civil action over which such court has jurisdiction if the court shall find that:

(1) The cause of action arose out of the State, and

(2) The defendant is a nonresident of this State, and

(3) The plaintiff is a nonresident of this State or the deceased person in behalf of whose estate the action has been instituted was at the time of his death a nonresident of this State.

Pending litigation unaffected.

SEC. 2. This Act does not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 211 **CHAPTER 677**

AN ACT AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO STUDY THE ADVISABILITY OF ESTABLISHING WITHIN THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION A PORTLAND CEMENT MANUFACTURING PLANT AND PROVIDING FOR THE ESTABLISHMENT OF SUCH A PLANT IF THE GOVERNOR AND THE COMMISSION HEREIN AUTHORIZED FIND IT TO BE TO THE BEST INTEREST OF THE STATE TO DO SO.

Preamble: Use of Portland cement by State agencies.

WHEREAS, the State Highway and Public Works Commission and other State agencies during the years 1946, 1947 and 1948 used an average of nearly a million barrels of Portland cement in constructing and improving the State highways and the erection of permanent improvements; and

Inability of agencies to obtain necessary quantities of cement.

WHEREAS, the several State agencies have been greatly handicapped in completing authorized projects because of their inability to obtain the necessary quantities of cement; and

Raw materials in State for manufacture of cement.

WHEREAS, there are sufficient raw materials in the State to manufacture Portland cement; and

Advantage of State-owned cement plant.

WHEREAS, a State-owned cement plant may reduce the cost of said material and will greatly facilitate the completion of construction projects: *Now, therefore,*

The General Assembly of North Carolina do enact:

Appointment of commission to study advisability of establishing State-owned cement plant.

SECTION 1. The Governor of North Carolina is authorized and requested to appoint a commission consisting of five members to confer with the State Highway and Public Works Commission, the Department of Conservation and Development, the State College of Agriculture and Engineering and such other individual firms or corporations as it may deem advisable as to the needs and advantages of establishing a State-owned cement plant.

Report to Governor.

SEC. 2. The commission shall file a report of its findings and conclusions with the Governor as soon as practicable embodying their findings and recommendations.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 308 **CHAPTER 678**

AN ACT TO CREATE A PEACE OFFICERS' RELIEF FUND FOR THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina do enact:

Beaufort County Peace Officers' Relief Act.

SECTION 1. Short Title. That this Act shall be known and may be cited as the Beaufort County Peace Officers' Relief Act.

Definitions.

SEC. 2. Definitions. Peace officers shall be deemed to include all peace officers of the County of Beaufort, North Carolina, or subdivisions thereof including all cities and towns and members of the State Highway Patrol, who are required by the terms of their employment or elections to give their full time to the preservation of public order, the protection of life and property, and the detection of crime; and all special officers or citizens who are injured or killed while aiding or assisting regular peace officers or while acting as such peace officers.

Creation of Peace Officers' Protective Association.

Membership.

SEC. 3. Creation of Association. An association to be known and designated as the Beaufort County Peace Officers' Protective Association shall be formed, the membership of which shall include all peace officers in Beaufort County and the members of the State Highway Patrol as defined above.

Registration for membership in association.

Initiation fee and annual dues.

Application of provisions of section to special officers.

SEC. 4. Registration. Peace officers who are entitled to membership in the association, in order to share in the benefits provided for in this Act, shall make application for membership in the association on blanks to be furnished for that purpose, giving such information as may be required by said association, and shall pay an initiation fee and annual dues to be fixed by the executive board, hereinafter provided for, *provided, however,* that such initiation fee shall not exceed five dollars ($5.00). *Provided further* that the provisions of this Section shall not apply to special officers or citizens who have not had a reasonable time from date they were appointed, summoned or deputized, to register with said association. And *further provided,* that said reasonable time shall not exceed thirty days.

Creation of executive board.

Officers of board; quorum.

SEC. 5. Creation of Executive Board. The executive board shall consist of five (5) members of the association, in good standing, to be elected by majority vote of said association at the last regular meeting in December of each calendar year, such board members to hold office until their successors are elected and qualify. The said board shall elect a chairman and secretary at its first meeting in each year. A majority of members of said executive board shall constitute a quorum for the transaction of business.

Treasurer of association.

SEC. 6. Treasurer. The County Treasurer of Beaufort County shall be ex-officio treasurer of said association.

Sources of revenue.

SEC. 7. Sources of Revenue. In all criminal actions in Beaufort County, North Carolina, brought into courts of justice of the peace, mayor's, recorder's and Superior Courts, wherein the defendant shall enter a plea of nolo contendere, a plea of guilty, or shall be adjudged guilty by a jury, a fee of one dollar ($1.00), to be known as the Officers' Emergency Fee, shall be collected as all other costs in criminal cases are collected, by the justice of peace, clerk or other officer of the court authorized to receive costs; and such funds so received shall be accounted for monthly, and turned over to the Treasurer of the Beaufort County Peace Officers' Protective Association, to be by him held and securely kept for the purposes of the association. Donations and contributions to said Beaufort County Peace Officers' Relief Fund may be received from any source approved by the executive board.

Officers' Emergency Fee.

Donations and contributions to fund.

Application of fund.

SEC. 8. Application of Fund. The money so paid into the hands of the Treasurer of the Beaufort County Peace Officers' Protective Association shall be known as the Beaufort County Peace Officers' Relief Fund, and shall be used as a fund for the relief of members who may be injured or become ill by disease while serving as peace officers, and for the relief of their widows and children, and if there be no widow or children, then dependent mothers of such officers killed or dying from injuries or disease so contracted in such discharge of duty, and as a pension fund for peace officers grown old in line of duty, and also for the benefit of special officers or citizens injured as such peace officers. All persons entitled to benefits under this Section shall make application to the executive board, above provided for, and said executive board shall investigate each such application and shall determine what benefits shall be paid. The decision of the executive board shall be final and conclusive as to what persons are entitled to benefits and as to the amount of the benefit to be paid, and said executive board shall have power to increase or decrease monthly benefits at any time, and no action at law or suit in equity shall be maintained against said association to enforce any claim or recover any benefit under this Article or under the constitution or by-laws of said association; but if any officer or committee of said association omits or refuses to perform any duty imposed upon him or them, nothing herein contained shall be construed to prevent any proceedings against said officer or committee to compel him or them to perform such duty.

Application of person entitled to benefits hereunder.

Decision of executive board as to benefits payable.

Actions against association to enforce claim or recover benefit prohibited.

Annual reports of treasurer.

SEC. 9. Annual Reports. The treasurer of said association shall make annual reports to the executive board prior to the meeting of said association in July of each calendar year showing the total amount of money in his hands at the time of the filing of the report, and also an account of receipts and disbursements since his last report. The chairman of said executive board shall present such reports to the membership of the

Presentation of report to membership of association.

Investment of accumulated funds.

association at each annual meeting in July. The accumulated funds of the association may be invested in bonds and securities unanimously approved by the executive board. All interest and other income received from investment or deposits shall be added to the principal of said fund. Expenditures shall only be made upon vouchers properly signed by the chairman of the executive board, and the treasurer.

Salaries and expenses.

SEC. 10. Salaries and Expenses. All officers and members of the executive board shall serve without compensation. Necessary office supplies and stationery shall be paid for out of the funds of the association

Constitution and by-laws.

SEC. 11. Constitution and By-Laws. The Beaufort County Peace Officers' Protective Association shall adopt a constitution and by-laws, to be approved by the executive board, suitable for carrying out the provisions and purposes of this Act.

Authority of executive board to insure members of association.

SEC. 12. Power to Insure. The executive board shall have authority to insure the members of the Beaufort County Peace Officers' Protective Association against death or disability, or both, during the terms of their employment or terms of office, under forms of insurance known as group insurance, the premiums on such insurance to be paid out of the funds of the association.

Funds not taxable.

SEC. 13. Funds not Taxable. The current or accumulated funds of the association shall not be subject to State, county or municipal taxation.

Conflicting laws repealed.

SEC. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 815 CHAPTER 679

AN ACT TO FIX THE SALARIES OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE BERTIE COUNTY FARM AND THE MEMBERS OF THE BERTIE COUNTY OR DISTRICT BOARD OF HEALTH.

The General Assembly of North Carolina do enact:

Bertie County Farm, compensation of members of Board of Directors.

SECTION 1. As compensation for their services the members of the Board of Directors of the Bertie County Farm shall be paid as follows: The Chairman of the Board of Directors of the Bertie County Farm shall receive twelve and fifty one-hundredths dollars ($12.50) per day for each day the board is

in session, regular or special; and each other director shall receive ten dollars ($10.00) per day for each day the board is in session, regular or special; and the chairman and each other director shall receive as travel expense ten cents (10c) per mile, one way, for the distance necessarily travelled by him from his residence to the meeting place of the board for each day that the board is in session, regular or special.

Travel allowance.

SEC. 2. As compensation for their services the Bertie County members of the Bertie-Chowan-Edenton District Board of Health shall be paid as follows: The chairman, when he shall be in Bertie County, shall receive twelve and fifty one-hundredths dollars ($12.50) per day for each day the board is in session, regular or special; and each other Bertie member of the district board of health shall receive ten dollars ($10.00) per day for each day the board is in session, regular or special; and every Bertie member of the district board of health shall also receive as travel expense ten cents (10c) per mile, one way, for the distance necessarily travelled by him from his residence to the meeting place of the board for each day that the board is in session, regular or special.

Bertie-Chowan-Edenton District Board of Health, compensation of Bertie County members.

Travel allowance.

SEC. 3. If and in the event there shall be organized a Bertie County Board of Health for Bertie County alone, as compensation for their services the members of such Board of Health of Bertie County shall be paid as follows: The chairman of the board of health shall receive twelve and fifty one-hundredths dollars ($12.50) per day for each day the board is in session, regular or special; and each other member shall receive ten dollars ($10.00) per day for each day the board is in session, regular or special; and the chairman and each other member shall receive as travel expense ten cents (10c) per mile, one way, for the distance necessarily travelled by him from his residence to the meeting place of the board for each day that the board is in session, regular or special.

Bertie County Board of Health, compensation of members.

Travel allowance.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

H. B. 921 CHAPTER 680

AN ACT RELATING TO THE FEES OF JURORS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

G. S. 9-5, amended.

SECTION 1. Section 9-5 of the General Statutes of North Carolina is hereby amended by adding to the end thereof the following:

Duplin County, fees of jurors.

"All jurors in the Superior Court and Inferior Courts of Duplin County shall receive such an amount per day as the Board of Commissioners of Duplin County may fix, not less than two dollars ($2.00) per day and not more than five dollars ($5.00) per day; *provided further*, that the said commissioners may establish different rates of compensation for different classes of jurors, such as Superior Court jurors, inferior court jurors, grand jurors, regular jurors, etc., within the limitations set out above.

Travel allowance.

"In addition to the compensation above provided for, all jurors shall receive a travel allowance of four cents (4c) per mile while coming to the county seat and returning home, the distance to be computed by the usual route of public travel; *provided further*, that this allowance shall be paid on the basis of one round trip per day for each day in which attendance is required."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 233 CHAPTER 681

AN ACT TO PROVIDE FOR SPECIAL JUDGES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appointment of special judges by Governor.

SECTION 1. That the Governor of North Carolina may appoint four (4) persons who shall possess the requirements and qualifications of special judges as prescribed by Article IV, Section 11, of the Constitution, and who shall take the same oath of office and otherwise be subject to the same requirements and disabilities as are or may be prescribed by law for Judges of the Superior Court, save the requirements of residence in a particular district, to be Special Judges of the Superior Court of

the State of North Carolina. Two (2) of the said judges shall be appointed from the Western Judicial Division and two (2) from the Eastern Judicial Division, as now established. The Governor shall issue a commission to each of said judges so appointed whose term of office shall begin from his appointment and qualification and end June 30th, 1951, and the said commission shall constitute his authority to perform the duties of the office of a Special Judge of the Superior Court during the time named herein.

Residential qualifications.

Issuance of commission; term of office.

SEC. 2. That each special judge so appointed by the Governor shall be subject to removal from office for the same causes and in the same manner as regular Judges of the Superior Court; and vacancies occurring in the offices created by this Act shall be filled by the Governor in like manner for the unexpired term thereof.

Removal from office.

Vacancy appointments.

SEC. 3. That the Governor is further authorized and empowered, if in his judgment the necessity exists therefor, to appoint at such time as he may determine, not exceeding four (4) additional judges, two (2) of whom shall be residents of the Western Judicial Division and two (2) of whom shall be residents of the Eastern Judicial Division, whose terms of office shall begin from his or their appointment and qualification and end June 30, 1951. That all of the provisions of this Act applicable to the four (4) special judges shall be applicable to the four (4) special judges authorized to be appointed under this Section.

Appointment of additional special judges in discretion of Governor.

Residential qualifications.

Terms of office.

Application of Act to additional judges.

SEC. 4. That the authority herein conferred upon the Governor, pursuant to Article IV, Section 11, of the Constitution of North Carolina, to appoint such special judges shall extend to regular as well as special terms of the Superior Court, with either civil or criminal jurisdiction, or both, as may be designated by the Statutes or by the Governor pursuant to law.

Authority of appointments extended to regular and special terms.

SEC. 5. That to the end that such special judges shall have the fullest power and authority sanctioned by Article IV, Section 11, of the Constitution of North Carolina, such judges are hereby vested, in the courts which they are duly appointed to hold, with the same power and authority in all matters whatsoever that regular judges holding the same courts would have. A special judge duly assigned to hold the court of a particular county shall have during said term of court, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same term of court.

Jurisdiction and powers of special judges.

SEC. 6. That the special judges so appointed shall receive the same salary and traveling expenses as now are, or may be, paid or allowed to Judges of the Superior Court for holding their regularly assigned courts, and they shall hold all such regular and special terms of court as they may be directed and

Salary and traveling expenses.

assigned by the Governor to hold, without additional compensation: *Provided,* that no person appointed under this Act shall engage in the practice of law.

Practice of law prohibited.

Power of judges to settle case on appeal after expiration of commission.

SEC. 7. That the special judges herein provided for are hereby fully authorized and empowered to settle cases on appeal and to make all proper orders in regard thereto after the time for which they were commissioned has expired.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws which may be in conflict with this Act, to the extent of such conflict, are hereby repealed: *Provided,* that nothing herein shall in any manner affect Sections 7-50 and 7-51 of the General Statutes of North Carolina.

G. S. 7-50 and 7-51 unaffected.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1949.

S. B. 181 CHAPTER 682

AN ACT RELATING TO UNCLAIMED FUNDS HELD OR OWING BY LIFE INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

G. S. Ch. 116, amended.

G. S. 116-23.1, enacted.

SECTION 1. Chapter 116 of the General Statutes of North Carolina is hereby amended by inserting therein a new Section, to be numbered G. S. 116-23.1, reading as follows:

Definitions.

"G. S. 116-23.1 (1) Definitions. The term "unclaimed funds" as used in this Act shall mean and include all monies held and owing by any life insurance company doing business in this State which shall have remained unclaimed and unpaid for seven years or more after such monies became due and payable under any life or endowment insurance policy. A life insurance policy not matured by the prior death of the insured shall be deemed to be matured and the proceeds thereof shall be deemed to be "due and payable" within the meaning of this Act when the insured shall have attained the limiting age under the mortality table on which the reserve is based. Monies shall be deemed to be "due and payable" within the meaning of this Act although the policy shall not have been surrendered nor proofs of death submitted as required and although the claim as to the payee is barred by a statute of limitations."

"Unclaimed funds."

"Due and payable."

Scope of Act.

"(1½) Scope. This Act shall apply to all unclaimed funds, as herein defined, held and owing by any life insurance company doing business in this State where the last known address, according to the records of such company, of the person en-

titled to such funds is within this State, *provided* that if a person other than the insured be entitled to such funds and no address of such person be known to such company or if it be not definite and certain from the records of such company what person is entitled to such funds, then in either event it shall be presumed for the purposes of this Act that the last known address of the person entitled to such funds is the same as the last known address of the insured according to the records of such company."

Report of unclaimed funds to Commissioner of Insurance.

(2) Reports. Every such life insurance company shall on or before the first day of May of each year make a report in writing to the Commissioner of Insurance of all unclaimed funds, as hereinbefore defined, held or owing by it on the thirty-first day of December next preceding. Such report shall be signed and sworn to by an officer of such company and shall set forth (1) in alphabetical order the full name of the insured, his last known address according to the company's records, and the policy number; (2) the amount appearing from the company's records to be due on such policy; (3) the date such unclaimed funds became payable; (4) the name and last known address of each beneficiary or other person who, according to the company's records, may have an interest in such unclaimed funds; and (5) such other identifying information as the Commissioner of Insurance may require.

Contents of report.

Publication of notice of unclaimed funds.

(3) Notice - Publication. On or before the first day of September following the making of such reports under this Section, the Commissioner of Insurance shall cause to be published notices entitled: "Notice of Certain Unclaimed Funds Held or Owing by Life Insurance Companies." Each such notice shall be published once a week for two successive weeks in a newspaper published in the county of this State in which is located such last known address of each such insured, or other person who, according to the company's records may have an interest in such unclaimed fund, or if no newspapers are published in such county, then by posting such notice at the court house door of said county.

Contents of notice.

The notice shall set forth in alphabetical order the names contained in such reports of each insured whose last known address is within the county of publication, together with (1) the amount reported due and the date it became payable, (2) the name and last known address of each beneficiary or other person who, according to the company's records, may have an interest in such unclaimed funds, and (3) the name and address of the company. The notice shall also state that such unclaimed funds will be paid by the company to persons establishing to its satisfaction before the following December 1st their right to receive the same, and that not later than December 1st such unclaimed funds still remaining will be paid to the University

of North Carolina which shall thereafter be liable for the payment thereof.

Publication of items of less than $50 not obligatory.

It shall not be obligatory upon the Commissioner of Insurance to publish any item of less than fifty dollars in such notice, unless the Commissioner of Insurance deems such publication to be in the public interest. The expenses of publication shall be charged against the University of North Carolina.

Payment of unclaimed funds to University of North Carolina.

(4) Payment to University of North Carolina. All unclaimed funds contained in the report required to be filed under this Section, excepting those which have ceased to be unclaimed funds since the date of such report, shall be paid over to the University of North Carolina on or before the following December 1st.

Authority of Commissioner to extend time for report of insurance company.

The Commissioner of Insurance shall have the power, for cause shown, to extend for a period of not more than one year the time within which a life insurance company shall file any report and in such event the time for publication and payment required by this Section shall be extended for a like period.

Custody and liability of State upon payment of funds to University.

(5) Custody of Abandoned Property in State: Insurers Exonerated. Upon the payment of such unclaimed funds to the University of North Carolina, the State shall assume, for the benefit of those entitled to receive the same and for the safety of the money so paid, the custody of such unclaimed funds, and the

Insurance company exonerated from further liability.

life insurance company making such payment shall immediately and thereafter be relieved of and held harmless by the State from any and all liability for any claim or claims which exist at such time with reference to such unclaimed funds or which thereafter may be made or may come into existence on account of or in respect to any such unclaimed funds.

Reimbursement for claims paid by insurers.

(6) Reimbursement for Claims Paid by Insurers. Any life insurance company which has paid to the University of North Carolina monies deemed unclaimed funds pursuant to the provisions of this Section may make payment to any person appearing to such company to be entitled thereto, and upon proof of such payment the State of North Carolina shall forthwith reimburse such company to the extent of the full amount, without interest, paid the University of North Carolina for the account of such claimant.

Determination and review of claims.

(7) Determination and Review of Claims. Any person entitled to unclaimed funds paid to the University of North Carolina may file a claim at any time with the Commissioner of Insurance. The Commissioner of Insurance shall possess full and complete authority to accept or reject any such claim. If he rejects such claim or fails to act thereon within ninety days after receipt of such claim, the claimant may make application to the Superior Court of Wake County, upon not less than thirty days' notice to the Commissioner of Insurance, for an order to show cause why he should not accept and order paid such claim.

(8) Payment of Allowed Claims. Any claim which is accepted by the Commissioner of Insurance or ordered to be paid by a court of competent jurisdiction shall be paid by the University of North Carolina. Payment of allowed claims.

(9) Records Required. The University of North Carolina shall keep a public record of each payment of unclaimed funds received from any life insurance company. Such record shall show in alphabetical order the name and last known address of each insured, and of each beneficiary or other person who, according to the company's records, may have an interest in such unclaimed funds, and with respect to each policy, its number, the name of the company, and the amount due. Records required of University of North Carolina.

(10) Payments to Other States: Pending Litigation. This Act shall not apply to or affect any unclaimed funds (a) which have been paid to another state or jurisdiction prior to the effective date hereof, or (b) which are at the effective date hereof involved in litigation with reference to the custody, appropriation or escheat of such funds. Payments to other States. Pending litigation.

SEC. 2. Effective Date. This Act shall be in full force and effect from and after its ratification. Effective date.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 224 CHAPTER 683

AN ACT TO AMEND SECTION 105-41 OF THE GENERAL STATUTES RELATIVE TO THE GRANTING OF REAL ESTATE LICENSES TO NONRESIDENTS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 105-41 of the General Statutes is hereby amended by adding the following at the end of the first paragraph: G. S. 105-41, amended to require reciprocity of resident State in granting real estate license to non-resident.

"*Further provided*, that it shall be unlawful for a nonresident of this State to engage in the real estate business in this State, as defined in this Section, unless the state of residence of such person will permit a resident of this State to engage in such business. Any person who shall engage in the real estate business in this State in violation of the terms of this provision shall be guilty of a misdemeanor and shall be punished in the discretion of the court; and *further provided*, that the obtaining of a real estate dealer's license by such person shall not authorize such nonresident to engage in the real estate business in this State, and *provided further* that in all prosecutions under this Act, a certificate under the hand and seal of the Commissioner of Revenue that the accused filed no income tax returns Violations made misdemeanor. Income tax record made prima facie evidence on issue of residence.

with his department for the preceding taxable year shall be prime facie evidence that the accused is a nonresident and that his license is void."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after June 1, 1949.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 268 CHAPTER 684

AN ACT TO AMEND CHAPTER 26 OF THE PRIVATE LAWS OF 1937, AS AMENDED, RELATING TO THE FIREMEN'S PENSION FUND OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Ch. 26, Private Laws, 1937, Firemen's Pension Fund, City of Wilmington, amended.

SECTION 1. That Section 6 of Chapter 26 of the Private Laws of 1937, as amended, be, and the same is hereby, repealed, and the following substituted in lieu thereof:

Payment of pension to widows of deceased members.

"(6) If any member of the fire department, or any member of the fire department who may retire on or after the ratification of this Act, dies and such deceased member leaves a widow surviving, such widow during widowhood, shall receive and be paid by the board of trustees of the firemen's pension fund a monthly pension in the sum of fifty dollars ($50.00), and ten dollars ($10.00) per month for each dependent child surviving such deceased member, the total amount to be paid to such widow and minor children in no event to exceed eighty dollars ($80.00) per month.

Amount of pension for widow and each dependent.

Maximum amount payable.

No pension payable while widow receives benefits from Industrial Commission.

"Such pension, however, shall not be paid to said widow so long as she receives benefit payments from the North Carolina Industrial Commission, and such pension as provided herein for the benefit of such widow and minor children shall begin only after the expiration of amounts awarded to her by the said Industrial Commission. In the event of the death of any fireman then a member in good standing of the Wilmington Fire Department leaving no widow surviving, but leaving surviving, however, dependent minor children, the said board of trustees of the firemen's pension fund is authorized and directed to pay for and on account of the support and maintenance of said minor children, during their minority, monthly amounts not to exceed ten dollars ($10.00), payments for said dependent minors to begin within thirty days after the completion of the payment

Payment for support of minor children in event no widow survives.

of such amounts, if any, as may be allowed by the North Carolina Industrial Commission on account of the death of the deceased firemen. In any event payments herein authorized for dependent minor children of such deceased member shall cease upon the children respectively arriving at the age of sixteen years."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 328 **CHAPTER 685**

AN ACT TO AMEND CHAPTER 31, PRIVATE LAWS 1925, THE SAME BEING THE ACT CREATING GREENSBORO WORLD WAR MEMORIAL COMMISSION KNOWN AS THE STADIUM COMMISSION.

The General Assembly of North Carolina do enact:

Ch. 31, Private Laws, 1925, amended to transfer powers and duties of Greensboro World War Memorial Commission.

SECTION 1. That Chapter 31, Private Laws 1925, is hereby amended by striking out the words "Greensboro World War Memorial Commission" where said words appear in said Chapter 31, and substituting in lieu thereof the following words, "City Council of the City of Greensboro".

Delegation of duties relative to operation of World War Memorial Stadium.

SEC. 2. That the City Council of the City of Greensboro may delegate to the Greensboro Recreation Commission, or to any other board of commission of the city, such powers and duties relative to the operation of the World War Memorial Stadium as it deems advisable.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 332 CHAPTER 686

AN ACT RELATING TO THE MAYOR'S COURT OF THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

City of Statesville, appointment of assistant judge of Mayor's Court.

SECTION 1. The Governing Body of the City of Statesville is hereby authorized to appoint an Assistant Judge of the Mayor's Court of the City of Statesville to serve at the pleasure of said governing body and to be paid such salary as the governing body, in its discretion, may fix.

Jurisdiction, powers and duties of assistant judge.

SEC. 2. The assistant judge provided for in this Act shall have the same jurisdiction, powers and duties with respect to the Mayor's Court of the City of Statesville as the mayor has, and he shall hold court at such times as the governing body may direct.

Additional fee taxed in bill of costs in criminal action.

SEC. 3. Whenever any defendant in any criminal action is taxed with the costs in said Mayor's Court of the City of Statesville, there shall also be taxed in such bill of costs a fee of one dollar ($1.00) in addition to all other costs now provided by law, which costs shall be paid into the treasury of the City of Statesville to partially reimburse said city for the expense involved in paying the assistant judge's compensation.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 336 CHAPTER 687

AN ACT TO PROVIDE FOR MAKING CERTAIN PAYMENTS BY THE CITY OF WILMINGTON TO THE TRUSTEES OF THE SEVERAL PENSION FUNDS FOR THE BENEFIT OF CERTAIN EMPLOYEES OF SAID CITY.

Preamble: City of Wilmington, service of employees in armed forces.

WHEREAS, a number of the employees of the City of Wilmington served in the Armed Forces of the United States during World War II, and of that number the persons mentioned in this Act have returned and are now in the employ of the City of Wilmington; and,

Payments of such employees to pension funds not made during military service.

WHEREAS, during the respective periods of service of the City of Wilmington employees mentioned herein in the Military Forces of the United States, the respective percentages of wages and salaries due to be paid by them to the respective pension funds were not made; and,

WHEREAS, said employees have petitioned and requested the Council of the City of Wilmington to provide and pay to said respective pension fund trustees the amounts set forth in this Act to the end that said employees may have the benefits as set forth in the Pension Acts affecting employees of the said city and covering the period of years of their military service; and,

Petition of employees that payments to pension funds be made by city.

WHEREAS, the Council of the City of Wilmington has given due and careful consideration to the subject and feels that the city should be authorized and empowered so to do, and that the requests of said employees are reasonable and proper and should be granted: *Now, therefore,*

Opinion of City Council that request of employees should be granted.

The General Assembly of North Carolina do enact:

SECTION 1. That the Council of the City of Wilmington be and it is hereby authorized, empowered and directed to pay to the trustees of the firemen's pension fund of said city the sum of $1,120.34, which amount represents a sum equal to two per cent (2%) of the aggregate wages and salaries which the City of Wilmington would have paid to the employees of the Wilmington Fire Department set out in this Section during the period of their military service and while said employees were in the Armed Forces of the United States. Upon receipt of said sum from the City of Wilmington by the trustees of the firemen's pension fund, R. K. Mills shall receive credit under the terms and provisions of the Act creating the firemen's pension fund as amended for the period of time between May 22, 1942 and April 19, 1943 with the same force and effect as if the said R. K. Mills had been continuously in the employ of the City of Wilmington during the time aforesaid and had paid to said trustees two per cent (2%) of his salary during said period, and G. R. D'Orange shall receive credit under the terms and provisions of the Act aforesaid for the period of time between September 16, 1942 and December 1, 1945, and Monroe Carter shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between September 28, 1942 and August 15, 1947, and E. A. Yow shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between August 10, 1942 and November 1, 1945, and R. C. Mohr shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between August 15, 1942 and November 1, 1945, and B. C. Keen shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between December 1, 1942 and January 1, 1946, and W. W. Glisson shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between February 23, 1942 and January 1, 1946, and Charles M. Rivenbark shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between November 22,

Payment of specified sum to trustees of firemen's pension fund.

Application of sum to credit of employees named.

R. K. Mills.

G. R. D'Orange.

Monroe Carter.

E. A. Yow.

R. C. Mohr.

B. C. Keen.

W. W. Glisson.

Charles M. Rivenbark.

H. L. Sandlin.

1943 and December 15, 1945, and H. L. Sandlin shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between April 28, 1944 and

J. D. Merritt.

February 15, 1946, and J. D. Merritt shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between September 15, 1943 and January 28,

J. O. King.

1946, and J. O. King shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between June 19, 1945 and January 24, 1946, all with the same force and effect as if all of said employees had been continuously employed by said city during the periods aforesaid and had paid the deductions from their salaries as provided for in the Firemen's Pension Fund Act as aforesaid.

Payment of specified sum to trustees of police pension fund.

SEC. 2. That the Council of the City of Wilmington be and it is hereby authorized, empowered and directed to pay to the trustees of the police pension fund of said city the sum of $587.96, which amount represents a sum equal to two per cent (2%) of the aggregate wages and salaries which the City of Wilmington would have paid to the employees of the Wilmington Police Department set out in this Section during the period of their military service and while said employees were in the Armed Forces of the United States. Upon receipt of said sum from the City of Wilmington by the trustees of the police pension fund, J. E. Moore shall receive credit under the terms and provisions of the Act creating the police pension fund as amended for the period of time between November 15, 1941 and October 1, 1945 with the same force and effect as if the said J. E. Moore had been continuously in the employ of the City of Wilmington during the time aforesaid and had paid to said trustees two per cent (2%) of his salary during said period,

Application of sum to credit of employees named.

J. E. Moore.

J. J. Padrick

and J. J. Padrick shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time

J. O. Flowers.

between February 22, 1942 and November 1, 1945, and J. O. Flowers shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between

J. L. Jackson.

May 23, 1944 and January 16, 1946, and J. L. Jackson shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between October 23, 1943

B. J. Dillon.

and January 1, 1946, and B. J. Dillon shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between January 13, 1943 and January 1, 1946, all with the same force and effect as if all of said employees had been continuously in the employ of the said city during the periods aforesaid and had paid the deductions from their salaries provided for in the Police Pension Fund Act as aforesaid.

Payment of specified sum to trustees of employees' retirement system.

SEC. 3. The Council of the City of Wilmington be and it is hereby authorized, empowered and directed to pay to the trustees of the City of Wilmington employees retirement system the sum of $1,755.77, which amount represents a sum equal to nine per

cent (9%) of the aggregate wages and salaries which would have been paid to the employees of the City of Wilmington, as hereinafter set out, during the period of their military service and while said employees were in the Armed Forces of the United States. Upon receipt of said sum from the City of Wilmington by the Trustees of the City of Wilmington employees retirement system, M. T. Clark, Jr. shall receive credit under the terms and provisions of the Act creating the City of Wilmington employees retirement system as amended for the period of time between November 8, 1941 and December 26, 1945 with the same force and effect as if the said M. T. Clark, Jr. had been continuously in the employ of the City of Wilmington during the time aforesaid and had paid to said trustees four per cent (4%) of his salary during said period and as if the City of Wilmington had paid five per cent (5%) of said salary during said period, and J. E. Smith shall receive credit under the terms and provisions of the Act aforesaid for the period of time between August 15, 1942 and January 7, 1946, and James Millis shall receive credit under the terms and provisions of the Pension Act aforesaid for the period of time between April 15, 1945 and November 26, 1945, and Golden Thornton shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between July 21, 1944 and December 18, 1944, and Henry M. Von Oesen shall receive credit under the terms and provisions of the Pension Act, as aforesaid, for the period of time between March 27, 1942 and March 18, 1946, all with the same force and effect as if all of the employees set out in this Section had been continuously employed by said city during the periods aforesaid and as if the payments set forth in this Section had been made as provided for in the Act creating the City of Wilmington employees retirement system.

Application of sum to credit of employees named.

M. T. Clark, Jr.

J. E. Smith.

James Millis.

Golden Thornton.

Henry M. Von Oesen.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act is declared to be a public necessity and shall be in full force and effect from and after its adoption and ratification.

Act declared public necessity.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 340 CHAPTER 688

AN ACT TO AMEND CHAPTER 276 OF THE PUBLIC-LOCAL LAWS OF 1913, RELATING TO THE SALARY OF THE JUDGE AND THE SOLICITOR OF THE DAVIDSON COUNTY COURT.

The General Assembly of North Carolina do enact:

Ch. 276, Public-Local Laws, 1913, amended.

SECTION 1. Chapter 276 of the Public-Local Laws of 1913, as amended, is hereby further amended by striking out Section 20 thereof, as rewritten by Section 17 of Chapter 82 of the Public-Local Laws of 1933, and inserting in lieu of said Section 20, the following:

Davidson County Court, salary of Judge.

"SEC. 20. The salary of the Judge of the Davidson County Court shall be on the basis of the sum of four thousand dollars ($4,000.00) per annum, payable in equal monthly installments

Salary of Solicitor.

out of the General Fund of Davidson County. The salary of the Solicitor of the Davidson County Court shall be on the basis of the sum of thirty-six hundred dollars ($3600.00) per annum, payable in equal monthly installments out of the General Fund

Salaries in lieu of all other compensation.

of Davidson County. The salaries of the judge and the solicitor shall be in lieu of all other compensation now allowed by law for these offices."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 342 CHAPTER 689

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES RELATING TO THE TERMS OF THE SUPERIOR COURTS OF WATAUGA COUNTY IN THE 16TH DISTRICT.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. The eighth paragraph of Section 7-70, 16th District, relating to Watauga County is hereby amended by rewriting the said paragraph to read as follows:

Watauga County, terms of Superior Court.

"Seventh Monday after the first Monday in March; second Monday after the first Monday in September (both by regular judge), for the trial of criminal cases only; fourteenth Monday after the first Monday in March to continue for a term of two weeks, trial of civil cases only; the tenth Monday after the first

Monday in September to continue for a term of two weeks, for the trial of civil cases only; *provided*, that motions and uncontested civil cases may be heard at either of the terms designated for the trial of criminal cases only."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 359 **CHAPTER 690**

AN ACT TO AMEND CHAPTER 481 OF 1947 SESSION LAWS RELATING TO THE COMPENSATION OF OFFICERS OF CRAVEN COUNTY, AND TO AUTHORIZE THE EMPLOYMENT OF AN ASSISTANT CLERK OF THE RECORDER'S COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Ch. 481, Session Laws, 1947, amended.

SECTION 1. That Section 2 of Chapter 481 of 1947 Session Laws be amended by adding at the end thereof the following:

Craven County, Recorder's Court, employment and compensation of assistant clerk.

"*Provided*, said board of commissioners may, in its discretion, fix and pay the salary of an assistant clerk of said recorder's court, employed by the clerk of the recorder's court; and said board of commissioners may after thirty days notice to said clerk of the recorder's court, and the said assistant, discontinue the payment of the salary of said assistant."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same hereby are repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 216 CHAPTER 691

AN ACT TO AMEND G. S. 28-68 RELATING TO PAYMENT TO THE CLERK OF THE SUPERIOR COURT OF CERTAIN SUMS OWING INTESTATES.

The General Assembly of North Carolina do enact:

G. S. 28-68, amended.

SECTION 1. G. S. 28-68, as amended, is hereby rewritten in its entirety to read as follows:

Payment to Clerk Superior Court of sums not exceeding $500 due and owing intestates.

"G. S. 28-68. Payment to clerk of sums not exceeding $500 due and owing intestates. Where any person dies intestate and at the time of his or her death there are sums of money owing to the said intestate not in excess of five hundred dollars ($500), such sum may be paid into the hands of the Clerk of the Superior Court, whose receipt for same shall be a full and complete release and discharge for such debt or debts, and the said Clerk of the Superior Court is authorized and empowered to pay out such sum or sums in the following manner: First, for satisfaction of widow's year's allowance, after same has been assigned in accordance with law, if such be claimed; second, for payment of funeral expenses, and if there be any surplus the same to be disposed of as is now provided by law.

Disbursement of sum by Clerk.

Conflicting laws repealed.

SEC. 2. All General, Special, Public, or Public-Local Laws or clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 635 CHAPTER 692

AN ACT TO FIX THE TIME FOR HOLDING THE SUPERIOR COURTS IN NEW HANOVER COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

New Hanover County, terms of Superior Court.

SECTION 1. The Superior Courts for New Hanover County shall be held as follows:

Seventh Monday before the first Monday in March, tenth Monday after the first Monday in March, fourteenth Monday after the first Monday in March, sixth Monday before the first Monday in September, second Monday before the first Monday in September, for one week each for the trial of criminal cases only. First Monday before the first Monday in March for two weeks, for the trial of criminal cases only; eighth Monday after the first Monday in September, for one week, for the trial of criminal cases only.

The first Monday in September, the fifth Monday after the first Monday in September, the thirteenth Monday after the first Monday in September, the fourth Monday before the first Monday in March, the first Monday after the first Monday in March, the fifth Monday after the first Monday in March, the twelfth Monday after the first Monday in March, each for two weeks for the trial of civil cases only.

The ninth Monday after the first Monday in September for the trial of civil and criminal cases, for one week.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after June 30, 1949. Effective date.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 647 CHAPTER 693

AN ACT TO AMEND CHAPTER 651 OF THE PUBLIC LAWS OF 1909, AS AMENDED, RELATING TO THE GREENSBORO MUNICIPAL-COUNTY COURT.

The General Assembly of North Carolina do enact:

That Chapter 651 of the Public Laws of 1909, as amended, is further amended as follows: Ch. 651, Public Laws, 1909, amended.

SECTION 1. Sessions of Court. That the sessions of said court shall be held at such times and places as the presiding judges, judge pro tem, or substitute judges of the respective criminal and civil divisions may direct; and two or more sessions of the criminal division of said court may be held concurrently, at the direction of the presiding judge. Greensboro Municipal-County Court, sessions of court.

SEC. 2. Assistant Clerk. The Assistant Clerk of the Greensboro Municipal-County Court shall have the same powers and authority as the clerk of said court, including the right of entering judgment. The assistant clerk and deputy clerks of said court shall be appointed by the city manager upon recommendations of the clerk of said court. Powers and duties of assistant clerk. Appointment of assistant clerk and deputy clerks.

SEC. 3. Substitute Judges. That, in addition to the judge pro tem now provided for said court, the Mayor of the City of Greensboro shall, upon the request and recommendation of the judge of the civil division or the judge of the criminal division of said court, appoint one or more practicing attorneys, having a residence within the jurisdiction of said court, to act as substitute judge or judges, to preside over specific sessions of said court for a definite period of time; that upon the appointment of one or more substitute judges, they shall take the prescribed oath of office as now by law provided and during the period of Substitute judges. Oath of office; powers and duties.

appointment shall have all the powers, rights and duties of the judge of said court.

Appointment of solicitor pro tem; term of office.

SEC. 4. Solicitor Pro Tem. That the City Council of the City of Greensboro shall appoint a solicitor pro tem of the criminal division of said court to serve until December 31, 1949; during the month of December, 1949, and each second year thereafter, said city council shall appoint for a two-year term a solicitor pro tem for the criminal division of said court, whose term of office shall begin on the first day of January next following his appointment; such person shall be a practicing attorney and reside within the jurisdiction of said court; when the solicitor of said court is prevented from attending to his duties, the solicitor pro tem shall carry on the duties of the solicitor and shall have the same power and authority as conferred upon the solicitor while he is so acting; in the event of a vacancy in office, the City Council of the City of Greensboro shall appoint a successor to serve for the unexpired term.

Powers and duties of solicitor pro tem.

Vacancy appointments.

Substitute solicitors.

SEC. 5. Substitute Solicitors. That the Mayor of the City of Greensboro shall upon the recommendation and request of the solicitor of the criminal division of said court, appoint one or more practicing attorneys having a residence within the jurisdiction of said court to act a substitute solicitor for a definite period of time; that said substitute solicitor shall take such oath of office as by law now provided and shall during the term of said appointment have the same rights and duties as the solicitor of said court.

Oath of office; powers and duties.

Salaries of officials and employees of court.

SEC. 6. Salaries. That the salaries of the judges, judge pro tem, substitute judges, solicitor, solicitor pro tem, substitute solicitors, clerk of court, assistant and deputy clerks of court, and other employees engaged in duties in connection with the operation of said court, and the executive secretary to the judge and solicitor of the criminal division of said court may be adjusted from time to time by the City Manager of the City of Greensboro with the approval of the City Council of the City of Greensboro.

Executive Secretary.

SEC. 7. Executive Secretary. That the judge and solicitor of the criminal division of said court may appoint a citizen having residence within the jurisdiction of said court to act as executive secretary to said judge and solicitor and prescribe the duties thereof.

Transfer of cases to Guilford County Superior Court upon demand for jury trial.

SEC. 8. Removal to Superior Court. That a defendant charged with a crime within the jurisdiction of said court, upon demanding a trial by jury either in person or through counsel, the presiding judge of said court shall transfer the case to the Greensboro Division of the Superior Court of Guilford County and witnesses for the State shall be recognized for their appearance at the next ensuing term of the Greensboro Division of the Superior Court of Guilford County; that the defendant shall

Appearance bond of defendant.

give bond for appearance at the next term of the Greensboro Division of the Superior Court of Guilford County in the same manner as provided in case of appeal to the Greensboro Division of the Superior Court of Guilford County.

Court costs, criminal cases.

SEC. 9. Court Costs—Criminal Division. That in lieu of court cost provided for in Section 17, Chapter 651, Public Laws of 1909, as amended, in each case disposed of by the court where the defendant is found guilty or pleads guilty, there shall be taxed and paid to the clerk of the court by each defendant named in the warrant the sum of twelve dollars, *provided,* in addition to the foregoing cost, there shall be taxed by the clerk as a part of said costs, where applicable, the sum of fifty cents ($.50) for each meal served in jail and such other costs as required by law, and such additional items of cost as the court may deem fit and proper.

Printing of Greensboro Municipal-County Court Act.

SEC. 10. Act to be Printed. That the City Manager of the City of Greensboro is authorized and directed to cause Chapter 651, Public Laws of 1909, with all amendments thereto, designated as the Greensboro Municipal-County Court Act, to be printed and the Treasurer of the City of Greensboro is authorized and directed to pay the necessary expense thereof.

Payment of expense.

Effective date.

SEC. 11. This Act shall be effective from and after the first day of April, 1949.

Conflicting laws repealed.

SEC. 12. All laws in conflict herewith are hereby repealed.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 685 CHAPTER 694

AN ACT FIXING FEES, COMMISSIONS AND COSTS TO BE COLLECTED BY THE CLERK OF SUPERIOR COURT OF GUILFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Guilford County, fees and commissions of Clerk of Superior Court.

SECTION 1. Fees and commissions to be charged by the Clerk of Superior Court of Guilford County shall be those set out in Sections 3 to 112, both inclusive of this Act; *provided, however,* that the fee or commission to be charged by the Clerk of Superior Court of Guilford County for any item shall be that provided by the General Statutes of North Carolina if no fee or commission for such item is fixed in this Act. The provisions of the General Statutes of the State of North Carolina applicable to collection of fees and commissions by Clerks of Superior Court shall be applicable to the collection by the Clerk of the Superior Court of Guilford County of the fees and commissions fixed by this Act.

Application of General Statutes as to collection of fees and commissions.

Services for which no fee shall be charged enumerated.

SEC. 2. The Clerk of the Superior Court of Guilford County shall charge no fee for the following:

(a) Administering oath of office to any official or employee of the State of North Carolina, of Guilford County, or any territorial subdivision thereof, or any municipality within said county who is required by law to take such oath.

(b) Taking official bond and acknowledgments thereon, of any public official of Guilford County or any territorial division thereof.

(c) Certificate and seal on any university or college loan fund note.

(d) Certificate that fiduciary has filed final account.

(e) Proceeding to commit patient to veterans hospital or governmental asylum.

(f) Commitment to state hospital where mentally disordered person has no estate and family financially unable to pay.

"Fiduciary" defined.

SEC. 3. Definition of fiduciary: When the word "fiduciary" is used in this Act, it shall include any person, persons or corporation administering or accountable for, as executor, administrator, administrator c.t.a., administrator d.b.n., administrator c.t.a., d.b.n., collector, guardian, trustee, commissioner, receiver, surviving partner, or otherwise, any fund, property, trust or estate with respect to which the clerk has jurisdiction; and it also includes any person or persons or corporation whose account or accounts the clerk is authorized or directed or required, by law or any order of the Superior Court, to audit or approve.

"Copy sheet" defined.

SEC. 4. The term "copy sheet" as used in this Act shall be construed to mean one hundred words.

Schedule of fees and commissions.

SEC. 5. Acknowledgments, twenty-five cents (25c).

SEC. 6. Adoption proceeding, total clerk's fee in and for the entire proceeding to be eight dollars ($8.00).

SEC. 7. Affidavit: Administering oath and making jurat, twenty-five cents (25c).

SEC. 8. Alien registration, one dollar ($1.00).

SEC. 9. Appeal from clerk to the judge, one dollar ($1.00).

SEC. 10. Appeal from justice of peace or from any inferior court to the Superior Court, one dollar ($1.00).

SEC. 11. Appointment of fiduciaries:

(a) Executors: Application, oath, docketing, indexing and issuing letters testamentary in duplicate, two dollars and fifty cents ($2.50).

(b) Administrators: Application, oath, taking bond and justification, docketing, indexing and issuing letters in duplicate, two dollars and fifty cents ($2.50).

(c) Collectors: Application, oath, taking bond and justification, docketing, indexing and issuing letters in duplicate, two dollars and fifty cents ($2.50).

(d) Guardians: Application, oath, docketing, taking bond and justification, indexing and issuing letters in duplicate, two dollars and fifty cents ($2.50).

SEC. 12. Approval of bond, with or without seal, one dollar ($1.00).

SEC. 13. Approval of judge of commitment of mentally disordered person to private institution, one dollar ($1.00).

SEC. 14. Attachment order, fifty cents (50c).

SEC. 15. Auditing and recording final account of commissioner or other fiduciary appointed by the judge or clerk to sell real estate: One-fourth of one per cent on first thousand, plus one-twentieth of one per cent on the balance, the commission in any one case not to exceed twenty-five dollars ($25.00).

SEC. 16. Capias, each defendant, one dollar ($1.00).

SEC. 17. Caveat to will, costs computed as in other civil actions.

SEC. 18. Certificate, twenty-five cents (25c).

SEC. 19. Certificate of dissolution or domestication, recording and indexing, one dollar ($1.00).

SEC. 20. Change of Name: Entire proceeding before the clerk and certificate as to change, with seal, eight dollars ($8.00).

SEC. 21. Commission, including but not limited to commission to take deposition, with seal, one dollar ($1.00).

SEC. 22. Commitment of mentally disordered person to state hospital or private institution, two dollars and fifty cents ($2.50).

SEC. 23. Competency proceeding:

(a) Proceeding to declare person incompetent, total clerk's fee in and for the entire proceeding to be ten dollars ($10.00).

(b) Proceeding to declare person competent, total clerk's fees in and for the entire proceeding to be ten dollars ($10.00).

SEC. 24. Confession of judgment, total clerk's fees in and for the entire proceeding to be three dollars ($3.00).

SEC. 25. Confirmation or approval of clerk's order or judgment by the judge, fifty cents (50c).

Guilford County, Clerk Superior Court, fees and commissions (cont'd).

SEC. 26. Confirmation of sale, whether signed by judge or clerk, one dollar ($1.00).

SEC. 27. Continuance: In civil cases, fifty cents (50c); in criminal cases, thirty cents (30c) for each defendant.

SEC. 28. Copying record or paper on file, fifteen cents (15c) per copy sheet.

SEC. 29. Copy of summons, twenty-five cents (25c).

SEC. 30. Cross-indexing of judgment in civil and criminal cases, twenty-five cents (25c) for first defendant and ten cents (10c) for each additional defendant.

SEC. 31. Cross-indexing judgment or confirmation in special proceeding, twenty-five cents (25c) for first defendant and ten cents (10c) for each additional defendant.

SEC. 32. Deed of separation, taking acknowledgment of husband and/or wife, with special examination of wife, with or without seal, one dollar and fifty cents ($1.50).

SEC. 33. Divorce actions, where no answer is filed, eight dollars ($8.00), plus process tax of two dollars ($2.00) and jury tax, five dollars ($5.00); and no other fees shall be charged under this Act, and no fee shall be charged for first certified copy of the judgment.

SEC. 34. Docketing indictment, one dollar ($1.00) for each defendant in bill.

SEC. 35. Docketing judgment in civil or criminal case, fifty cents (50c).

SEC. 36. Docketing summons, fifty cents (50c).

SEC. 37. Docketing and indexing sheriff's levy, one dollar and fifty cents ($1.50).

SEC. 38. Docketing petition in Ex Parte proceeding, one dollar ($1.00).

SEC. 39. Execution against person and docketing the return, one dollar ($1.00).

SEC. 40. Execution against specific property and docketing the return, one dollar ($1.00).

SEC. 41. Execution on money judgment and docketing the return, one dollar ($1.00).

SEC. 42. Execution for possession of property and docketing the return, one dollar ($1.00).

SEC. 43. Fees for auditing final account of receiver, executor, administrator, administrator d.b.n., administrator c.t.a., administrator c.t.a., d.b.n., collector, guardian, trustee or other fidu-

ciary, except when otherwise specifically provided in this Act, shall be calculated upon the total amount of both receipts and disbursements upon which the fiduciary is entitled to commissions and shall be at the following rates:

On the first five thousand dollars ($5,000.00) or any part thereof, one-fifth of one per cent; on the next ten thousand dollars ($10,000.00) or any part thereof, one-tenth of one per cent; on the next twenty thousand dollars ($20,000.00) or any part thereof, one-twentieth of one per cent; on the next forty thousand dollars ($40,000.00) or any part thereof, one-thirty third and one-third of one per cent; on the excess, one sixty-sixth and one-sixth of one per cent.

SEC. 44. Filing, recording and indexing accounts of fiduciary. The following fees shall be collected by the Clerk of the Superior Court for filing, recording and indexing annual, final and other accounts of executor, administrator, administrator d.b.n., administrator c.t.a., administrator c.t.a., d.b.n., collector, guardian, surviving partner, trustee, receiver or other fiduciary:

(a) If amount reported as receipts does not exceed three hundred dollars ($300.00), one dollar ($1.00).

(b) If over three hundred dollars ($300.00) and not exceeding one thousand dollars ($1,000.00), one dollar and fifty cents ($1.50).

(c) If over one thousand dollars ($1,000.00) and not exceeding ten thousand dollars ($10,000.00), two dollars and fifty cents ($2.50).

(d) If over ten thousand dollars ($10,000.00) and not exceeding twenty thousand dollars ($20,000.00), three dollars and fifty cents ($3.50).

(e) If over twenty thousand dollars ($20,000.00), five dollars ($5.00).

The amount of receipts brought forward from former reports shall be excluded in calculating the aforementioned fees.

SEC. 45. Filing and indexing bond required of commercial college or business school and notice of approval to State Board of Education, two dollars ($2.00).

SEC. 46. Filing and indexing fiduciary's inventory, one dollar ($1.00). In addition thereto, fifteen cents (15c) for each copy sheet or fraction for recording.

SEC. 47. Filing papers, each civil action and special proceeding, twenty-five cents (25c).

SEC. 48. Filing written motions, fifty cents (50c).

SEC. 49. Final judgment in criminal cases, one dollar ($1.00) for each defendant.

Guilford County, Clerk Superior Court, fees and commissions (cont'd).

SEC. 50. Foreclosure of deed of trust, mortgage deed or other instrument under power of sale: Docketing fee, two dollars and forty cents ($2.40), to be collected upon the filing with the clerk of the first paper relative to such foreclosures, and an additional fee to be collected at the time final report of receipts and disbursements is filed, of one-fourth of one per cent on first thousand of gross sales price, plus one-twentieth of one per cent on the balance thereof; and, in each case where an increase bid is filed and order of resale is entered, there shall be, in addition to the fees above prescribed in this Section, a fee for each item for which there is a fee in special proceedings and in the same amount. In no case shall the fees charged by the clerk exceed twenty-five dollars ($25.00).

SEC. 51. Habeas corpus, entire proceeding, seven dollars ($7.00).

SEC. 52. Hearing before clerk: Two dollars ($2.00) for each hour or fraction thereof. Minimum fee, two dollars ($2.00).

SEC. 53. Inebriacy proceeding, total clerk's fees in and for entire proceeding to be eight dollars ($8.00).

SEC. 54. Injunction: Taking bond or undertaking and justification, one dollar ($1.00).

SEC. 55. Injunction order, one dollar ($1.00).

SEC. 56. Inventory of lock box or other place of deposit: Two dollars ($2.00) for the first hour or portion thereof actually required for said services, and the sum of one dollar ($1.00) for each additional hour or portion thereof actually required for said services, but not more than five dollars ($5.00); and in addition thereto, the same mileage from his office to the place located in his county where such service is performed as may be allowed by law to witnesses attending Superior Court in Guilford County. This Section is subject to all provisions of Section 105-24 of G. S. of North Carolina.

SEC. 57. Issuing citation, fifty cents (50c).

SEC. 58. Issuing transcript, printed form, seventy-five cents (75c), which includes issuance of certificate of satisfaction.

SEC. 59. Issuing transcript, irregular form, seventy-five cents (75c) for first page, and fifty cents (50c) for each additional page or fraction of a page, which includes issuance of certificate of satisfaction.

SEC. 60. Judgment, signing of, in civil action by clerk or judge, whether interlocutory of final, one dollar ($1.00) for each defendant.

SEC. 61. Judgment, signing of, in special proceeding by clerk or judge, whether interlocutory or final, one dollar ($1.00) for

Guilford County, Clerk Superior Court, fees and commissions (cont'd).

each defendant. In no case shall the fee exceed five dollars ($5.00).

SEC. 62. Judgment Nisi and issuing Sci Fa for defaulting witness, jurors or surety on bail bond or recognizance, seven dollars ($7.00); no additional fees for recording of minutes, docketing and indexing to be charged.

SEC. 63. Jury tax: On every indictment or criminal proceeding tried or otherwise disposed of, the party convicted or adjudged to pay the cost shall pay a jury tax of four dollars ($4.00). In civil actions the party adjudged to pay the costs shall pay a jury tax of five dollars ($5.00); but this tax shall not be charged in any civil action unless a jury is empaneled.

SEC. 64. Legitimation proceeding, entire proceeding before clerk, and copy of order, seven dollars and fifty cents ($7.50).

SEC. 65. Letters of appointment of fiduciary: Each certified copy, with seal, fifty cents (50c).

SEC. 66. Liens: Filing, docketing and indexing, seventy-five cents (75c).

SEC. 67. Limited partnership agreement, filing and indexing, two dollars ($2.00).

SEC. 68. Lis pendens, docketing notice of, indexing and cancelling, seventy-five cents (75c) for first page, plus fifty cents (50c) for each additional page or fraction.

SEC. 69. Notary public, qualifying, indexing and notification to Governor, seventy-five cents (75c).

SEC. 70. Notice, whether signed by clerk or judge, twenty-five cents (25c) plus ten cents (10c) for each person in excess of one to whom notice is to be given.

SEC. 71. Notifying solicitor of removal of guardian, one dollar ($1.00).

SEC. 72. Order of arrest, each defendant, one dollar ($1.00).

SEC. 73. Order in claim and delivery, fifty cents (50c).

SEC. 74. Order extending time for pleading in civil actions and special proceedings, twenty-five cents (25c).

SEC. 75. Order, not otherwise provided for, whether signed by judge or clerk, fifty cents (50c).

SEC. 76. Other commissions to be collected by the clerk.

(a) Five per cent commission shall be allowed the clerk on all fines, penalties, amercements, and taxes paid the clerk by virtue of his office.

Guilford County, Clerk Superior Court, fees and commissions (cont'd).

(b) In each case where money is placed in his hands by virtue of his office to be administered by him, for minor children, insane persons or inebriates, three per cent on the first five hundred dollars ($500.00) or fraction thereof, and one per cent on all in excess of five hundred dollars ($500.00).

(c) No commission shall be allowed the clerk on judgments, decrees, except as herein provided, executions, deposits under Section 45-28 of the General Statutes of North Carolina, and monies paid under condemnation proceedings;

SEC. 77. Partnership or assumed named certificate, filing and indexing, seventy-five cents (75c).

SEC. 78. Permit to purchase or receive weapon, fifty cents (50c).

SEC. 79. Petition and order, one dollar and fifty cents ($1.50), in addition to recording fee.

SEC. 80. Photographer's bond (or other bond of similar nature), filing and indexing, two dollars ($2.00).

SEC. 81. Postage, actual amount necessarily expended.

SEC. 82. Preparing bill of cost, fifty cents (50c).

SEC. 83. Presentment, one dollar ($1.00) for each defendant.

SEC. 84. Probate of any instrument (except will), twenty-five cents (25c).

SEC. 85. Probate of chattel mortgage and conditional sales agreement, twenty-five cents (25c).

SEC. 86. Probate of will in common form: Taking depositions of witnesses and entering certificate of probate and recording first four sheets of will, two dollars and fifty cents ($2.50); each additional sheet or fraction, one dollar ($1.00).

SEC. 87. Recognizance: Where no bond is taken, twenty-five cents (25c) for each person.

SEC. 88. Recording and indexing assignment of judgment, seventy-five cents (75c).

SEC. 89. Recording corporation certificate, certificate of credit union or certificate of cooperative association, three dollars ($3.00), plus fifty cents (50c) for each page or fraction thereof in excess of four, certificate of Secretary of State to be considered a page.

SEC. 90. Recording and indexing amendment to corporation certificate, certificate of credit union or certificate of cooperative association, the same fee as that of the original of these certificates.

Guilford County, Clerk Superior Court, fees and commissions (cont'd).

SEC. 91. Recording minutes in any case, fifteen cents (15c) per copy sheet or fraction.

SEC. 92. Recording minutes in criminal and civil cases, fifteen cents (15c) per copy sheet or fraction.

SEC. 93. Recording or copying papers: Except as otherwise provided in this Act, fifteen cents (15c) per copy sheet.

SEC. 94. Recording transcripts from justice of peace or other inferior courts, printed form seventy-five cents (75c); irregular form, seventy-five cents (75c) for first page, and fifty cents (50c) for each additional page or fraction thereof.

SEC. 95. Recording certificate of satisfaction of judgment, fifty cents (50c).

SEC. 96. Registration certificates of nurses, architects, medical doctors, surgeons, dentists, optometrists, chiropodists, chiropractors, osteopaths and other persons required to be registered in the same manner, with seal, seventy-five cents (75c).

SEC. 97. Renunciation of right to qualify as administrator, executor or guardian, fifty cents (50c).

SEC. 98. Restoring maiden name after absolute divorce, one dollar ($1.00).

SEC. 99. Seal of office, twenty-five cents (25c).

SEC. 100. Solicitor's fees shall be the same as those set out in Chapter 97, Public Laws of North Carolina, Extra Session, 1920.

SEC. 101. Stenographer: At the time of docketing criminal or civil action, one dollar ($1.00). In each action where stenographer is actually used, fee of ten dollars ($10.00) per day or fraction of a day.

SEC. 102. Subpoena, fifteen cents (15c) for each witness named therein.

SEC. 103. Substitution of trustee in deed of trust or trust indenture, one dollar ($1.00), and no additional fee for probate shall be charged.

SEC. 104. Summons, in civil action and special proceeding, regardless of number of defendants, one dollar ($1.00).

SEC. 105. Taking bond and justification of surety thereon, one dollar ($1.00).

SEC. 106. Verification of any paper filed or recorded in office: Ten cents (10c) per copy sheet for the first two copy sheets or fraction and five cents (5c) for each additional sheet or fraction, in addition to the fees for certificate and seal.

Guilford County, Clerk Superior Court, fees and commissions (cont'd).

SEC. 107. Warrant, one dollar ($1.00).

SEC. 108. Widow's dissent to will, one dollar ($1.00).

SEC. 109. Widow's year's allotment: Docketing report of allotment and rendering judgment for deficiency under G. S. 30-15, 30-16, 30-17, seventy-five cents (75c).

Application of Act.

SEC. 110. This Act shall apply only to Guilford County.

Conflicting laws repealed.

SEC. 111. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 112. This Act shall be in full force and effect from and after its ratification and shall be applicable to all fees, commissions and costs uncollected at the time of its ratification in all pending actions, proceedings, special proceedings and matters.

Application to uncollected fees, etc., in pending matters.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 690 **CHAPTER 695**

AN ACT TO AUTHORIZE THE JOHNSTON COUNTY BOARD OF EDUCATION, WITH APPROVAL OF THE CLAYTON SCHOOL COMMITTEE, TO USE FUNDS DERIVED FROM A SPECIAL SCHOOL TAX IN THE CLAYTON SCHOOL DISTRICT TO ERECT AND EQUIP A SCHOOL LUNCH ROOM IN SAID DISTRICT.

Preamble: Johnston County, Clayton School District, levy of supplemental school tax.

WHEREAS, at a special tax election held in the Clayton School District of Johnston County on the twenty-second day of January 1946, a special school tax of twenty-five cents (25c) on the one hundred dollars ($100.00) property valuation in said district was authorized to operate the schools of said district at a higher standard than that furnished by the State or county and particularly for the purposes of public school music, commercial department and school lunch rooms; and

Accumulation of surplus funds.

WHEREAS, said tax has been levied from time to time, a part of which has been used for the said purposes but there is now a surplus of three thousand dollars ($3000.00) which has accumulated over a period of time for the use and benefit of the schools of said district; and

Necessity for erection and equipment of school lunch room.

WHEREAS, it has become necessary to erect and equip a school lunch room and it is the desire of the local school committee and the patrons of said school that said funds be used to erect and equip a lunch room: *Now, therefore,*

The General Assembly of North Carolina do enact:

SECTION 1. The County Board of Education of Johnston County, with approval of the Clayton School Committee, is

authorized and empowered to use all surplus funds on hand derived from the tax levy authorized at an election held January 22, 1946 and so much of such tax levy from year to year as may be necessary to erect and equip a school lunch room in the Clayton School District.

Clayton School District, use of surplus funds for erection and equipment of school lunch room authorized.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 754 CHAPTER 696

AN ACT TO REGULATE THE SERVICES OF WOMEN ON THE JURIES OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 1007 of the Session Laws of 1947 by adding a proviso at the end of Section 3 of said Chapter, which proviso shall read as follows:

Ch. 1007, Session Laws, 1947, amended.

"*Provided,* that any woman in Onslow County eligible to serve as a regular or tales juror of said county may notify the Register of Deeds of Onslow County, in writing, that she does not desire to serve on any regular or tales jury of said county, and if said woman is drawn as a juror, she shall be automatically excused from jury duty on any regular or tales jury; and it shall be the duty of the Register of Deeds of Onslow County to keep an alphabetical record of the names and addresses of all women who so indicate that they do not desire to serve on a regular or tales jury and notice once given shall remain in effect until withdrawn or cancelled by the woman giving the same."

Onslow County, procedure for excuse of women from jury service.

Alphabetical record of those desiring not to serve.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 761 CHAPTER 697

AN ACT TO AUTHORIZE AN APPROPRIATION FOR THE REMODELING, REFURNISHING AND REDECORATING OF THE GOVERNOR'S MANSION.

The General Assembly of North Carolina do enact:

Appropriation for remodeling, etc., of Governor's Mansion.

SECTION 1. There is hereby appropriated out of the General Fund of the State the sum of fifty thousand dollars ($50,000.00) for the purpose of remodeling, refurnishing and redecorating the Governor's Mansion of this State.

Administration of provisions of Act by Board of Public Buildings and Grounds.

SEC. 2. The Board of Public Buildings and Grounds is authorized and directed to carry out the provisions of this Act and to cause the Governor's Mansion to be remodeled, refurnished and redecorated and to supervise the same in such manner as will carry out the intent of this Act and according to the discretion of the Board of Public Buildings and Grounds. The Board of Public Buildings and Grounds is authorized to draw the necessary requisitions, drafts or vouchers upon the funds hereby appropriated according to the manner in which State funds for such purposes are handled, and should any balance or portion of this appropriation remain after said work is completed, the same shall revert to the general fund.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 773 CHAPTER 698

AN ACT RELATING TO THE METHOD OF SELECTING THE MEMBERS OF THE BOARD OF EDUCATION OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Polk County, membership of Board of Education.

SECTION 1. The Board of Education of Polk County shall consist of five members from and after the first Monday in April, 1951, to be selected as hereinafter provided.

Nomination and election of members.

SEC. 2. There shall be nominated in the party primaries in the year 1950, and biennially thereafter, at the same time and in the same manner as that in which other township officers are nominated, one candidate by each political party in each of the following five townships in Polk County: Columbus Township, Saluda Township, White Oak Township, Shields Township,

and Coopers Gap Township. Such nominees shall be voted on in the ensuing general election by all of the voters of the county and the persons elected shall constitute the Polk Board of Education and their term of office shall begin as provided in G. S. 115-38.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 809 CHAPTER 699

AN ACT TO VALIDATE CERTAIN CONVEYANCES OF REAL PROPERTY BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ABERDEEN.

The General Assembly of North Carolina do enact:

Town of Aberdeen, certain conveyances of real property by town validated.

SECTION 1. That the deed from the Town of Aberdeen to O. Leon Seymour, dated July 2, 1941, recorded in Book 135, page 410, Moore County Register of Deeds' office; the deed from the Town of Aberdeen to J. K. Melvin, Jr., and wife, dated December 10, 1941, recorded in Book 136, page 459, Moore County Register of Deeds' office; the deed from the Town of Aberdeen to W. H. McNeill, dated July 30, 1941, recorded in Book 135, page 559, Register of Deeds' office, Moore County; the deed from the Town of Aberdeen to Wimberley Bowman and wife, dated December 10, 1941, recorded in Book 136, page 461, in the office of the Register of Deeds of Moore County; the deed from the Town of Aberdeen to J. F. Deaton, Jr., and Betty Lou Deaton, dated October 30, 1941, recorded in Book 136, page 562, in the office of the Register of Deeds of Moore County; the deed from the Town of Aberdeen to J. A. Bryant and J. M. Taylor, dated September 22, 1941, recorded in Book 136, page 60, in the office of the Register of Deeds of Moore County; the deed from the Town of Aberdeen to Minnie B. Farrell, dated December 11, 1941, recorded in Book 139, page 69, in the office of the Register of Deeds of Moore County; the deed from the Town of Aberdeen to G. C. Seymour, dated December 11, 1941, recorded in Book 144, page 139, in the office of the Register of Deeds of Moore County; the deed from the Town of Aberdeen to Glenn Thomas and wife, dated December 11, 1941, recorded in Book 136, page 458, in the office of the Register of Deeds of Moore County; the deed from the Town of Aberdeen to J. L. Blount and wife, dated the twenty-eighth day of July, 1944, recorded in Book 145, page 76, in the office of the Register of Deeds of Moore County; the deed from

the Town of Aberdeen to Elizabeth T. Pleasants, dated July 27, 1942, recorded in Book 139, page 501, in the office of the Register of Deeds of Moore County, having been executed without full compliance with the General Statutes requiring advertising and sale at public outcry, are hereby in all respects validated, ratified and confirmed, and said deeds are hereby declared to be valid conveyances of the land and premises therein described, provided that nothing herein contained shall affect pending litigation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 829 CHAPTER 700

AN ACT CONFERRING UPON THE CITY OF GASTONIA THE POWER TO ADOPT ORDINANCES AND RESOLUTIONS PROVIDING FOR THE ZONING AND REGULATION OF THE LOCATION, HEIGHT, BULK, AND USE OF BUILDINGS AND OTHER STRUCTURES, AND THE USE OF LAND WITHIN THE CITY OF GASTONIA AND WITHIN ONE MILE OF THE CITY LIMITS OF GASTONIA IN GASTON COUNTY, AND CREATING A PLANNING AND ZONING COMMISSION PROVIDING FOR ITS MEMBERSHIP, APPROPRIATIONS, AND PROCEDURE, AND PROVIDING FOR ENFORCEMENT.

The General Assembly of North Carolina do enact:

City of Gastonia, creation of planning and zoning commission.

Membership.

Terms of office.

Vacancy appointments.

Removal of members for cause.

Compensation.

SECTION 1. Planning and Zoning Board; Membership. The City of Gastonia may by ordinance create a city planning and zoning commission consisting of nine members. Five members shall be residents of the City of Gastonia and shall be appointed by the city council, and they shall not hold any other public, elective office within the city. Four members shall be residents of the area within one mile of the City of Gastonia, and these four members shall be appointed by the City Council of Gastonia upon recommendation of the Board of County Commissioners of Gaston County. The term of office for all members shall be determined by ordinance by the City Council of Gastonia. If a vacancy shall occur otherwise than by expiration of term it shall be filled by appointment of the City Council of Gastonia for the unexpired term. Members may, after a public hearing, be removed for inefficiency, neglect of duty, or malfeasance in office by the city council. Members shall serve without compensation.

Officers and employees of commission.

SEC. 2. Officers and Employees; Expenses; Appropriations. The planning and zoning commission shall elect a chairman from its members and create and fill such other offices as it may determine. It may employ experts and a staff and pay for their services and such other expenses as may be necessary and proper in accordance with the budget approved by the city council and not exceeding in all, exclusive of gifts, the amount appropriated by the city council for its use.

Payment of expenses.

Appropriation for work of commission.

The city council shall appropriate in the same manner as other appropriations are made such money as in its discretion is necessary for the work of the planning and zoning commission. The amount so appropriated shall be assessed, levied, collected, and disbursed in the same manner as monies appropriated and disbursed for other current expenses of the city, and any donation shall be disbursed in the same manner.

Powers and duties of planning and zoning commission.

SEC. 3. Powers and Duties of Planning and Zoning Commission. The planning and zoning commission shall cause to be made careful and comprehensive studies and surveys of present conditions and future needs of the city and the area within one mile thereof. After such studies and surveys have been made, the planning and zoning commission shall make and adopt a comprehensive and coordinated plan for the zoning and regulation of the location, height, bulk, and use of buildings and other structures and the use of land within the city limits of Gastonia and within one mile thereof.

Procedure of commission.

Public hearing before adoption of plan.

SEC. 4. Procedure. The planning and zoning commission shall conduct a public hearing as prescribed by the General Statutes before adopting any plan for the City of Gastonia or the area within one mile thereof. At the public hearing all interested parties shall be afforded an opportunity to present their views prior to the adoption of the plan.

Alteration of plan by City Council before adoption.

The city council, before the adoption of the zoning plan, may change or add to the plan, and if it is deemed in the public interest, the city council may conduct a public hearing on such change or addition.

Alteration of plan by City Council after adoption.

After the zoning plan has been adopted, the city council may by ordinance whenever and as often as it may deem it for the public interest and welfare change or add to the zoning plan.

Reference of altered plan to commission.

Before making a change or addition the matter shall be referred to the planning and zoning commission for its recommendation.

Action of commission thereon.

If the planning and zoning commission shall not make its recommendation thereon within twenty days after such reference, it shall be deemed to consent thereto. The planning and zoning commission may on its own motion recommend changes or additions to the zoning plan to the city council.

Public hearing on proposed change of plan.

Upon receipt of the recommendation of the planning and zoning commission or upon the expiration of twenty days after reference to the planning and zoning commission, the city council shall hold a public hearing on the proposed change. Prior to

Notice of hearing.

the public meeting, the city council shall cause notice of the hearing to be published in a newspaper of general circulation in the city and the area within one mile thereof, at least ten days prior to the hearing. At the public hearing all interested parties shall be afforded an opportunity to present their views prior to the final vote upon the ordinance providing for the change or addition.

Purpose of zoning plan.

SEC. 5. Purpose. The zoning plan for the City of Gastonia and the area within one mile of the city limits shall be made with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the city and its environs which will in accordance with the present and future needs best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development. Including among other things adequate provision for traffic and recreation, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of the population and its housing, the promotion of good civic design and arrangement, size, and efficient expenditure of public funds and the adequate provision for other public requirements.

Reference of other matters to planning and zoning commission.

SEC. 6. Reference of Other Matters to Planning and Zoning Commission. The city council may by ordinance or resolution provide for the reference of any other matter or class of matters pertaining to zoning or planning to the planning and zoning commission before final action thereon by the city council or by other body of officers having final authority thereon with or without the provision that final action thereon shall not be taken until the planning and zoning commission has submitted its report thereon or has had a reasonable time to submit its report which time shall be fixed by ordinance.

Enforcement of zoning plans.

SEC. 7. Enforcement. The City Council of the City of Gastonia may by ordinance determine the most practical and efficient means of enforcing the zoning plan within the city limits of Gastonia and within one mile thereof. Any zoning ordinances and regulations adopted by the City Council for the City of Gastonia shall apply and have the same force and effect in the area that is within one mile of the city limits of Gastonia. Any officer or employee of the City of Gastonia responsible for the enforcement of any zoning ordinance within the city shall have the same authority within one mile of the city limits of the City of Gastonia.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 831 CHAPTER 701

AN ACT TO AMEND CHAPTER 90 OF THE PUBLIC-LOCAL LAWS OF 1931 AS AMENDED BY CHAPTER 55 OF THE PUBLIC-LOCAL LAWS OF 1933 RELATING TO THE FEES OF THE RECORDERS COURT OF MONROE AND UNION COUNTY.

The General Assembly of North Carolina do enact:

Ch. 90, Public-Local Laws, 1931, amended as to fees of Recorder's Court of City of Monroe and Union County.

SECTION 1. Section 1 of Chapter 90 of the Public-Local Laws of 1931 as amended by Section 1 of Chapter 55 of the Public-Local Laws of 1933 is hereby amended by striking out the words "sixty-five cents" which appear at the end of line 3 of said Section and inserting in lieu thereof the words "one dollar", and by striking out the words "fifty cents" which appear at the beginning of line 5 of said Section and inserting in lieu thereof the words "seventy-five cents", and by striking out the words "seventy-five cents" which appear at the end of line 5 of said Section and inserting in lieu thereof the words "one dollar", and by striking out the words "seventy-five cents" which appear after the word "of" and before the semicolon in line 7 of said Section and inserting in lieu thereof the words "one dollar", and by striking out the words "two dollars" which appear after the word "defendant" and before the word "filing" in line 13 of said Section and inserting in lieu thereof the words "three dollars".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 836 **CHAPTER 702**

AN ACT TO AMEND CHAPTER EIGHT HUNDRED FORTY-TWO OF THE 1947 SESSION LAWS OF NORTH CAROLINA RELATING TO THE SALARIES OF THE JUDGE, PROSECUTING ATTORNEY AND CLERK OF THE HIGH POINT MUNICIPAL COURT, AND CHAPTER THREE HUNDRED TWENTY-EIGHT OF PRIVATE LAWS OF NORTH CAROLINA SESSION 1937 RELATING TO THE SALARY OF THE ASSISTANT CLERK OF THE HIGH POINT MUNICIPAL COURT.

The General Assembly of North Carolina do enact:

Ch. 842, Session Laws, 1947, amended.

Ch. 328, Private Laws, 1937, amended.

SECTION 1. That Sections 1, 2 and 3 of Chapter 842 of the 1947 Session Laws of North Carolina be amended by striking out Sections 1, 2 and 3 and by striking out Section 3 of Chapter 328 of Private Laws of North Carolina Session 1937 and inserting in lieu thereof the following:

High Point Municipal Court, minimum salary of court officials.

SECTION 1. Minimum salaries of Judge, Prosecuting Attorney, Clerk and Assistant Clerk of the High Point Municipal Court shall be:

a. Judge ..... $7600.00 per annum
b. Prosecuting Attorney ..... $4800.00 per annum
c. Clerk ..... $4500.00 per annum
d. Assistant Clerk ..... $3000.00 per annum

Effective date of salaries herein provided.

Provided that as to the assistant clerk's minimum salary, should there be a resignation, then this minimum salary shall be reduced to $2400.00 per annum. *Provided further* that the increases in salaries provided by this Act shall become effective as of July 1, 1949. Such salaries of such court officials shall be paid in equal semi-monthly payments.

Authority of City Council to increase salaries.

SEC. 2. The Council of the City of High Point shall have authority to increase the salaries of such court officials in such amount or amounts as it shall determine.

Authority to reduce salaries.

Limitation on reduction.

SEC. 3. If at any time the City Council of High Point reduces the salaries of all the employees of the City of High Point it may at the same time reduce the salaries of said court officials by a like percentage but in no event shall the salaries of said court officials be reduced by more than a total of fifteen per cent (15%) of the respective salaries above provided for.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 839 CHAPTER 703

AN ACT TO AMEND CHAPTER 395, PUBLIC LAWS OF 1909, RELATING TO THE HIGH POINT MUNICIPAL COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 395, of the Public Laws of 1909 be enacted to establish the Municipal Court for the City of High Point, be and the same hereby is amended as follows:

Ch. 395, Public Laws, 1909, amended.

The Clerk of the Municipal Court, Assistant Clerk or Deputy Clerk of the Municipal Court of the City of High Point, Chief of Police, Captain, or Sergeant of the High Point Police Department, shall issue all processes of the criminal division of the Municipal Court of High Point on affidavits made before said clerk, assistant clerk, or deputy clerk, or chief of police, captain or sergeant of police, and such processes shall be returnable forthwith to the said court. Any person convicted in said court shall have the right to appeal to the Superior Court of Guilford County as is now provided by General Law for Appeals from the judgment of justices of the peace.

High Point Municipal Court, persons authorized to issue criminal processes.

Appeals to Superior Court.

SEC. 2. That all clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 898 CHAPTER 704

AN ACT TO REPEAL CHAPTER 796 OF THE SESSION LAWS OF 1947, AND TO PROVIDE FOR THE TRANSFER OF CERTAIN CASES FROM THE SUPERIOR COURT OF MOORE COUNTY TO THE RECORDER'S COURT OF SAID COUNTY FOR TRIAL.

The General Assembly of North Carolina do enact:

SECTION 1. All cases which have been or may hereafter be sent up to the Superior Court for trial from the Recorder's Court of Moore County upon application for a jury trial by the defendant or the State under and in pursuance to Chapter 796 of the Session Laws of 1947 be, and the same are hereby, remanded to the Recorder's Court of Moore County for trial or other disposition as may be decided by the judge and solicitor of the recorder's court, and that all of said cases be reinstated and docketed upon the docket of the Recorder's Court of Moore

Moore County, certain cases transferred to Superior Court for jury trial remanded to Recorder's Court.

Reinstatement of cases upon docket of Recorder's Court.

County with all the force and effect as if they had not been transferred to the Superior Court docket.

Authority of Clerk Superior Court to transfer cases.

SEC. 2. The Clerk of the Superior Court of Moore County be, and he is hereby, fully authorized, empowered and directed, without further orders, to transfer all of said cases referred to in Section 1 hereof from the calendar and docket of the Superior Court of Moore County to the calendar and docket of the Recorder's Court of Moore County for the purposes aforesaid forthwith upon ratification of this Act.

Ch. 796, Session Laws, 1947, repealed.

SEC. 3. Chapter 796 of the Session Laws of 1947 is hereby repealed.

Jury trial in Recorder's Court.

SEC. 4. In all cases where a jury trial is called for in the Recorder's Court of Moore County, it shall consist of a jury of 12, and the trial shall be conducted as nearly as possible as in the Superior Court, and appeals may be taken from said recorder's court to the Superior Court of the county in term time.

Continuation of cases on demand for jury trial.

SEC. 5. In all cases where jury trials have been demanded in the Recorder's Court of Moore County, all such cases shall be continued until the first Monday in each month following the time such call for a jury is demanded, and the trial of such cases shall continue until all pending cases for jury trial have been completed.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 919 CHAPTER 705

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS AND THE MAYOR'S COURT OF THE TOWN OF GIBSONVILLE TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN ONE MILE OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Gibsonville, jurisdiction of police extended.

SECTION 1. That the Chief of Police and each and every member of the Police Department of the Town of Gibsonville are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of the Town of Gibsonville as are now exercised by police officers within the corporate limits of said town.

SEC. 2. The Mayor's Court of the Town of Gibsonville is hereby granted the same jurisdiction and power in all territory situated within one mile of the corporate limits of the Town of Gibsonville as are now exercised within the corporate limits of said town.

Jurisdiction of Mayor's Court extended.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 930 **CHAPTER 706**

AN ACT RELATING TO COURT COSTS IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Whenever any defendant in any criminal action is taxed with the costs in any court, whether Superior Court, Recorder's Court or Court of a Justice of the Peace, in Caswell County and when such person has been confined in the Caswell County Jail pursuant to being arrested for a law violation with respect to which case such costs are taxed, there shall also be taxed in such bill of costs an amount equal to the amount paid to the sheriff as a turnkey fee and an amount equal to the amount paid to the sheriff for meals for such defendant while confined, which costs shall be paid into the general fund of the county to reimburse the county for such above described allowances paid by the county to the sheriff in such cases.

Caswell County, jail fees taxed as part of court costs in criminal cases.

Payment to general fund of county.

SEC. 2. This Act does not apply to any case with respect to any criminal offense committed prior to the ratification of this Act.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 974 CHAPTER 707

AN ACT TO MAKE SUBCHAPTER IV, ARTICLE 13 OF CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA AUTHORIZING THE ESTABLISHMENT OF DOMESTIC RELATIONS COURTS APPLICABLE TO GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Ch. 343, Public Laws, 1929, establishment of Domestic Relations Courts, amended to apply to Guilford County.

SECTION 1. The word "Guilford" is hereby stricken from the next to the last line of Section 10 of Chapter 343 of the 1929 Public Laws of North Carolina, said Chapter now being codified as Subchapter IV, Article 13 of the General Statutes of North Carolina.

SEC. 2. The County of Guilford is hereby made subject to the provisions of Subchapter IV, Article 13 of Chapter 7 of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after July 1, 1950.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1002 CHAPTER 708

AN ACT TO AMEND CHAPTER 634 OF THE PUBLIC-LOCAL LAWS OF 1915 RELATING TO THE JURISDICTION OF RECORDERS' COURTS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 634, Public-Local Laws, 1915, amended.

SECTION 1. Chapter 634 of the Public-Local Laws of 1915, as amended, is hereby further amended by adding a new Subsection immediately following Subsection (i) of Section 6 of said Chapter, said new Subsection to be designated Subsection (j) and to read as follows:

Robeson County, jurisdiction of recorder's courts in respect to liens under G. S. Ch. 44, Art. 8.

"(j) In addition to the civil jurisdiction conferred in Subsection (i) of this Section, each of said courts shall have all jurisdiction, powers, duties, responsibilities, and authorities granted to or imposed upon justices of the peace in respect to filing, perfecting, enforcing, and discharging of liens under Article 8 of Chapter 44 of the General Statutes of North Carolina."

SEC. 2. Chapter 634 of the Public-Local Laws of 1915, is hereby further amended by adding a new Section to follow immediately after Subsection (j) of Section 6 of said Chapter, and to be designated Subsection (k), and to read as follows:

"(k) In further addition to the civil jurisdiction conferred in Subsection (i) of this Section, each such court shall have all jurisdiction, power, duties, responsibilities and authorities granted to or imposed upon justices of the peace in respect to summary ejectment under G. S. 42-28."

Jurisdiction of recorder's courts in respect to summary ejectment under G. S. 42-28.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1025 CHAPTER 709

AN ACT TO AMEND H. B. NO. 422, ENTITLED "AN ACT TO AMEND CHAPTER 160 OF THE PRIVATE LAWS OF 1925, AS AMENDED BY CHAPTER 416 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1937, RELATING TO THE CHARTER OF THE TOWN OF MOUNT AIRY, SURRY COUNTY, NORTH CAROLINA", AND RATIFIED MARCH 7TH, 1949.

The General Assembly of North Carolina do enact:

SECTION 1. H. B. No. 422, entitled "An Act to Amend Chapter 160 of the Private Laws of 1925, as Amended by Chapter 416 of the Public-Local and Private Laws of 1937, Relating to the Charter of the Town of Mount Airy, Surry County, North Carolina", as ratified by the General Assembly of North Carolina on March 7, 1949, is hereby amended by striking out the word "May" between the word "in" and the figures "1949" in the second line of the second paragraph of Section 3 of said H. B. No. 422, and by inserting in lieu thereof the word "June".

Ch. 244, Session Laws, 1949, amended as to date of next town election, Town of Mount Airy.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1031 CHAPTER 710

AN ACT AUTHORIZING THE TOWN OF MURPHY TO CONVEY THE ABANDONED PORTION OF BLUMENTHAL STREET IN SAID TOWN.

Preamble: Town of Murphy, abandonment of portion of Blumenthal Street.

WHEREAS, due to relocation of U. S. Highway No. 64 a few years ago, a portion of Blumenthal Street in the Town of Murphy, passing over property now owned by Dr. F. V. Taylor, was abandoned and the same is no longer in use or needed by the Town of Murphy; and

Provisions of agreement for conveyance of abandoned portion of street to Dr. F. V. Taylor.

WHEREAS, the Board of Aldermen of the Town of Murphy, and the said Dr. F. V. Taylor have made an agreement, under which Dr. Taylor has agreed to construct at his own expense a sidewalk over property belonging to Dr. Taylor along said relocation of U. S. Highway No. 64 in return for conveyance to him of said abandoned portion of Blumenthal Street; *Now, therefore,*

The General Assembly of North Carolina do enact:

Conveyance of property to Dr. Taylor authorized.

SECTION 1. That the proper officers of the City of Murphy are hereby authorized and empowered to convey to the said Dr. F. V. Taylor, at such time as he has satisfactorily completed the construction of the sidewalk referred to, said abandoned portion of Blumenthal Street passing over or through his property.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1034 CHAPTER 711

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF NORTHAMPTON COUNTY TO PAY OVER TO THE SCHOOL FUND OF SAID COUNTY CERTAIN FUNDS WHICH REPRESENT UNCLAIMED WITNESS AND JUROR FEES.

Preamble: Northampton County, unclaimed witness and juror fees.

WHEREAS, the Clerk of the Superior Court of Northampton County now has on hand funds in the amount of one hundred sixty-two dollars and seventy cents ($162.70) covered by certain outstanding checks drawn by a former Clerk of the Superior Court of said county, representing witness and juror fees, which have not been cashed by the payees thereof; and

WHEREAS, the checks, so drawn, date from December, 1922, to December, 1942, and have either been lost or have never been presented for payment; and

Checks lost or not presented for payment.

WHEREAS, it is the desire of the Clerk of the Superior Court of said county to pay over these funds to the county treasurer for the use of the school fund of the county as provided by G. S. 2-50: *Now, therefore,*

Desire of clerk to pay over such funds for use of school fund.

The General Assembly of North Carolina do enact:

SECTION 1. The Clerk of the Superior Court of Northampton County is authorized and directed to pay over to the county treasurer of said county, for the use of the school fund, the sum of one hundred sixty-two dollars and seventy cents ($162.70) which represents certain outstanding checks drawn by a former Clerk of the Superior Court of said county in payment of juror and witness fees, which said checks have been lost or have not been presented for payment by the payees thereof.

Northampton County, payment of unclaimed fees to treasurer, for school fund, authorized.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1047 CHAPTER 712

AN ACT RELATING TO THE NUMBER OF MEMBERS OF THE BOARD OF EDUCATION OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Education of Washington County shall consist of five members to be named and appointed as hereinafter provided.

Washington County, membership of Board of Education.

SEC. 2. The five members of the Board of Education of Washington County shall be named by the General Assembly of North Carolina at its regular session each two years.

Appointment of members.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1048 CHAPTER 713

AN ACT TO AMEND CHAPTER 944 OF THE SESSION LAWS OF 1947, RELATING TO THE NOMINATION AND ELECTION OF THE COUNTY BOARD OF EDUCATION IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Ch. 944, Session Laws, 1947, amended.

SECTION 1. Section 6 of Chapter 944 of the Session Laws of 1947 is hereby deleted in its entirety and there is substituted in lieu thereof the following:

Forsyth County, Board of Education, vacancy appointments.

"SEC. 6. All vacancies in the membership of the Board of Education in Forsyth County by death, resignation or otherwise shall be filled for the unexpired term by action of the State Board of Education upon recommendation of the Forsyth County Executive Committee of the political party of the member whose ceasing to be a member of the Forsyth County Board of Education caused such vacancy. Vacancies in the membership of the board shall be filled by the appointment of some competent resident in Forsyth County and having the qualifications prescribed by the general laws of North Carolina for members of county boards of education."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1049 CHAPTER 714

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS OF THE TOWN OF ENFIELD, SUBJECT TO A VOTE OF THE PEOPLE THEREON.

The General Assembly of North Carolina do enact:

Town of Enfield, election on question of increase in number of commissioners.

SECTION 1. At the next regular municipal election held in the Town of Enfield after the ratification of this Act, there shall be submitted to the voters of said town the question of whether or not the number of commissioners of said town shall be changed from four to five.

Form of ballot.

The ballot shall be in substantially the following form:

Changing the Number of Town Commissioners

☐ "For Changing the Number of Town Commissioners From Four to Five."

☐ "Against Changing the Number of Town Commissioners From Four to Five."

Those who favor changing the number of commissioners from four to five shall make a cross or check mark in the square opposite the words "For Changing the Number of Town Commissioners From Four to Five", and those opposing such change shall make a cross or check mark in the square opposite the words "Against Changing the Number of Town Commissioners From Four to Five".

Election of increased number of commissioners upon approval of Act.

SEC. 2. If a majority of the votes cast in said election are in favor of changing the number of Commissioners of the Town of Enfield from four to five, then five Commissioners for the Town of Enfield shall be elected at the regular municipal election in 1951 and biennially thereafter, and from and after such election in 1951 there shall be five town commissioners.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1052 CHAPTER 715

AN ACT TO VALIDATE REAL ESTATE CONVEYANCES HERETOFORE MADE BY THE TOWN OF WALNUT COVE, IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Town of Walnut Cove, certain real estate conveyances by town validated.

SECTION 1. All real estate conveyances heretofore made by the Town of Walnut Cove, in Stokes County, which have been defective because of failure to advertise such sale, or otherwise strictly comply with the provisions of G. S. 160-59, are hereby validated, ratified and confirmed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1053 CHAPTER 716

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF STOKES COUNTY TO CONVEY CERTAIN PROPERTY OWNED BY SAID COUNTY WHICH IS NO LONGER NOW NECESSARY FOR USE FOR COUNTY HOME PURPOSES.

The General Assembly of North Carolina do enact:

Stokes County, conveyance of portions of county home farm authorized.

SECTION 1. The Board of County Commissioners of Stokes County is authorized to convey, either at private or public sale, for any consideration which it may deem adequate, any portion or portions of the county home farm which lies West of N. C. Highway No. 89 in said county which is no longer necessary for use by said county for county home purposes. All real estate conveyances for any portion or portions of said county home farm heretofore conveyed by the Board of County Commissioners of Stokes County are hereby in all respects validated, ratified and confirmed.

Prior conveyances validated.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

H. B. 1115 CHAPTER 717

AN ACT RELATING TO THE ELECTION OF THE MEMBERS OF THE SCHOOL BOARD OF THE ROCKINGHAM CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Rockingham City School Administrative Unit, nomination and election of members of School Board.

SECTION 1. Notwithstanding any other provisions of law, the members of the School Board of the Rockingham City School Administrative Unit shall be nominated and elected, in the same manner and at the same time as is provided by law with respect to primary and general elections of officers for the Town of Rockingham, by a vote of qualified electors who have resided for four months, immediately preceding such primary or general election, in the Rockingham City School Administrative Unit School District.

Separate registration book for persons residing in school district, but outside corporate limits.

SEC. 2. A separate registration book shall be provided for persons residing within the said school district but outside the corporate limits of the Town of Rockingham, and such book shall be kept open in the same manner, in the same place, and

for the same time as the registration books for Rockingham municipal elections. A separate ballot shall be provided in the primary and general elections for members of the said school board.

Separate ballot for members of school board.

SEC. 3. Any person qualified to vote in such school board primary election may become a candidate for membership on the school board in the same manner as is provided with respect to a qualified elector in the Town of Rockingham.

Qualification of candidate for membership on school board.

SEC. 4. It is the sole intent and purpose of this Act to permit qualified voters throughout said entire school district to be candidates for election as, and to vote for, members of said school board in primary and general elections, and to this and except as hereinbefore provided, said primary and general elections shall in every other manner be conducted by the same officials at the same time and subject to the same laws as is now provided by law with respect to primary and general elections of members of said school board.

Purpose of Act.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1949.

S. B. 51 **CHAPTER 718**

AN ACT TO ESTABLISH A STATE PERSONNEL DEPARTMENT; TO PLACE CERTAIN GRADES AND CLASSIFICATIONS OF STATE EMPLOYEES UNDER THE JURISDICTION OF THE STATE PERSONNEL DEPARTMENT; TO ESTABLISH ANNUAL INCREMENTS FOR SUCH EMPLOYEES; TO PROVIDE FOR THE PROGRESSIVE DEVELOPMENT OF PERSONNEL POLICIES AND PRACTICES FOR STATE EMPLOYMENT, AND TO REWRITE ARTICLE 2 OF CHAPTER 143 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Article 2 of Chapter 143 of the General Statutes of North Carolina is hereby rewritten so that said Article and the Sections constituting same shall hereafter read as follows:

G. S. Ch. 143, Art. 2, rewritten.

"SEC. 143-35. State Personnel Department established.—(1) There is hereby created and established a State Personnel Department (hereinafter referred to as 'Department') for the State of North Carolina. The department shall be separate and

G. S. 143-35, State Personnel Department established.

Supervision and administration by director; appointment of director.

Salary of director.

distinct from the Budget Bureau and shall be under the administration and supervision of a director appointed by the State Personnel Council. The salary of the director shall be fixed by the Personnel Council and shall not exceed that of the highest paid appointive head of any other State department, bureau, agency or commission. The director shall serve at the pleasure of the Personnel Council.

State Personnel Council established.

Duties of Council.

"(2) There is hereby created and established a State Personnel Council (hereinafter referred to as 'Council') for the purpose of advising and assisting the State Personnel Director in preparing, formulating and promulgating rules and regulations, determining and fixing job classifications and descriptions, job specifications and minimum employment standards, standards of salaries and wages, and any and all other matters pertaining to employment under this Article. The State Personnel Council shall consist of seven members to be appointed by the Governor of North Carolina on or before July 1, 1949. The Council shall have the power to designate the member of said Council who shall act as the chairman thereof. At least two members of the Council shall be individuals of recognized standing in the field of personnel administration and who are not employees of the State, who are subject to the provisions of this Article; at least two members of the Council shall be individuals actively engaged in the management of a private business or industry; not more than two members of the Council shall be individuals chosen from the employees of the State subject to the provisions of this Article. The Council shall meet at least one time in each calendar quarter of the year, or upon call of the Governor, or of the director, or a member of the Council, or at the request of the head of any department or agency when necessary to consider any appeal provided for hereunder. Five members of the Council shall constitute a quorum. Notice of meetings shall be given members of the Council by the director who shall act as secretary to the Council. The members of the Council shall each receive ten dollars ($10.00) per day including necessary time spent in traveling to and from their place of residence within the State to the place of meeting while engaged in the discharge of the duties imposed hereunder, and his necessary subsistence and traveling expenses. Members of the Council who are the employees of the State, as provided hereunder, shall not receive any per diem for their services but such members shall receive traveling expenses and subsistence, while engaged in the discharge of their duties hereunder, at the same rate and in the same amount as provided for State employees without any deduction for loss of time from their employment. Two of the Council members shall be appointed by the Governor to serve for a term of two years. Two members shall be appointed to serve for a term of three years. Three members shall be appointed to serve for a term of four years and upon the expiration of the respective terms, the successors of said members shall be

Membership; appointment by Governor.

Designation of Chairman.

Qualification of members.

Meetings of Council.

Quorum; notice of meetings.

Compensation of members of Council.

Compensation of members who are State employees.

Terms of members.

appointed for a term of four years each thereafter: *Provided, however,* that no two members appointed from the same occupational groups named in this Article shall serve terms expiring on the same date. Any member appointed to fill a vacancy occurring in any of appointments made by the Governor prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. A member of the State Personnel Council shall not be considered a public officer, or as holding office within the meaning of Article 14, Section 7, of the Constitution of this State, but such member shall be a commissioner for a special purpose. The Governor may, at any time after notice and hearing, remove any council member for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

Successor appointments.

Vacancy appointments.

Council member considered special commissioner rather than public officer.

Removal of council members by Governor.

"(3) For the purpose of aiding and assisting in the operation and administration of this Article, each State department, agency or commission shall appoint, or shall designate from among its present employees, a personnel officer to represent the department, agency or commission and the head of same in carrying out the provisions of this Article within such department, agency or commission. All personnel officers designated hereunder shall serve in an advisory and consulting capacity to the State Personnel Director and the Council in both intra-department and inter-department personnel policies and practices.

Designation of personnel officer by each State department, agency or commission.

Service of personnel officers.

"(4) The Merit System Council created under the provisions of Chapter 126 of the General Statutes, and all powers and duties heretofore exercised by the Merit System Council, shall continue in effect as provided in Chapter 126 of the General Statutes: *Provided, however,* that the State Personnel Director shall be charged with the responsibility of carrying out the regulations and policies maintained and provided by the Merit System Council and the administration of same as applicable to individuals, employees and agencies of the State now subject to Chapter 126 of the General Statutes, as amended, or as the same from time to time may be amended, but excluding and excepting from the application of this Article all employees of the county welfare departments and the county, city, county-city and district health departments, and that nothing herein contained shall be construed so as to alter, abridge or deprive the Merit System Council of the authority vested in it by virtue of Section 126-14 of the General Statutes. The State Personnel Director shall select and appoint, with the advice and approval of the Merit System Council, and in accordance with the Merit System regulations, a person designated as supervisor of merit examinations, who shall not be a member of the Merit System Council and who shall be charged with the performance of the duties and functions of supervisor of merit examinations as provided by Chapter 126 of the General Statutes.

Continuation of existing Merit System Council.

Supervision and administration of regulations and policies by Personnel Director.

County welfare departments and all health departments excepted.

Appointment of supervisor of merit examinations.

Duties.

G. S. 143-36, duties and powers of Director and Council.

"SEC. 143-36. Duties and powers of Director and Council.—The State Personnel Director, with the head of each department, agency, bureau or commission of the State government, shall, as soon as practicable after the ratification of this Article, undertake a new survey and investigation of the needs for personal service in all State departments, agencies, bureaus or commissions subject to this Article for the purpose of establishing job specifications and minimum employment standards, job descriptions, job classifications, and salary schedules, and shall eliminate any existing inequalities between salaries and/or classifications of employees of substantially equal qualifications rendering substantially similar service. The State Personnel Director, with the head of each department, agency, bureau or commission, shall, after making such survey and investigation and upon the information so assembled, and with the approval of the Council, fix, determine and classify the necessary number of positions and employees in all State departments, bureaus, agencies and commissions, the type and nature of work to be performed in such positions and by employees, and shall fix, establish and classify a standard of salaries and wages with a minimum salary rate and a maximum salary rate and such intermediate salary rate or rates as may be deemed necessary and equitable to be paid for all such services and positions and to all employees of the State subject to the provisions of this Article. When the personnel survey and investigation is completed with respect to a particular department, bureau, agency or commission, the State Personnel Director shall file a report with the Governor and with the head of such department, bureau, agency or commission, setting out the number of allowable positions, the classification of the positions, and the duties to be performed and/or positions to be filled, and the salaries and wages to be paid to each of the employees in said department, bureau, agency or commission, and the scale of increments to be granted at least once each year to each employee whose services have met the standard of efficiency as established by the State Personnel Director and approved by the Council and Governor: *Provided, however,* in establishing the standards of efficiency for the purpose of annual increments, the regulations shall provide that all employees whose services merit retention in service shall, as hereinafter set forth, be granted annual increments up to but not exceeding the intermediate salary step nearest to the middle of the salary range established for the respective classification and/or position, and those employees whose services meet higher standards, as formulated and fixed by the State Personnel Director and Council, shall, as hereinafter set forth, be given annual increments up to but not exceeding the maximum of the salary range for the respective classification and/or position.

Survey and investigation of needs for personal service in State departments, etc.

Determination and classification of positions.

Standard of salaries and wages.

Departmental report of Director filed with Governor and head of such department.

Contents of report.

Standards of efficiency for purpose of annual increments.

"SEC. 143-37. Contents of report to become fixed standard; effective date.—When said report with respect to any such department, bureau, agency or commission, has been completed and filed with and approved by the Governor, and also filed with the head of such department, bureau, agency or commission, the findings in said report shall then become the fixed standard for the number of allowable positions and employees, the classification of positions and the duties to be performed, and/or the positions to be filled, the salaries and/or wages to be paid, and the increments to be granted to all employees in the department, bureau, agency or commission, to which said report relates, and it shall thereupon be the duty of the head of such department, bureau, agency or commission, on the first day of the next month, beginning not less than thirty days subsequent to the date of the reception of said report by him, to put the same into effect, and thereupon with respect to such department, bureau, agency or commission, the classification of positions, the number of employees, the duties to be performed and/or the positions to be filled, the salaries and wages to be paid, and the increments to be granted, all as specified in said report, shall become the only allowable standard for and with respect to such department, bureau, agency or commission.

G. S. 143-37. Contents of report to become fixed standard; effective date.

"SEC. 143-38. Further surveys; reconsideration and change of report.—It shall be the duty of the State Personnel Director upon request of the head of any State department, bureau, agency or commission, and also from time to time without such request, to make additional surveys in regard to, and to keep informed of, the needs for personal services in the several State departments, bureaus, agencies and commissions, and to reconsider the report hereinbefore provided for, and with the approval of the Council and the Governor, to make changes therein in accordance with such findings; and upon report by him to the head of any department, bureau, agency or commission, and to the Governor, setting out such findings and changes, it shall be the duty of the head of such department, bureau, agency or commission, to put such findings and changes into effect on the first day of the next month, beginning not less than thirty days after the date of receipt by him of such report: *Provided, however,* the State Personnel Director shall have the authority to make necessary individual adjustments within the framework of the approved salary and classification plan.

G. S. 143-38. Further surveys; reconsideration and change of report.

Individual adjustments by Director.

"SEC. 143-39. Payment of increments considered State personnel policy; increments to be considered in request for appropriations.—All salary ranges for State employees not exempted from this Article shall contain a fixed and uniform scale of increments between the minimum and maximum salary rate as fixed and determined according to the provisions of Section 143-36 of this Article. It shall be considered a part of the personnel policy of this State that these increments or in-

G. S. 143-39. Payment of increments considered State personnel policy.

creases in pay shall be granted in accordance with standards and regulations fixed, determined and established by the State Personnel Director and the Council as authorized and provided under the provisions of Section 143-36 of this Article. The head of each department, bureau, agency or commission, when making his request for the ensuing biennium shall take into account the annual and other increments based on efficiency standards as established, or as may be established, under the provisions of this Article, for the employees of his department, bureau, agency or commission, and such head shall anticipate the amounts which shall be required during the biennium for the purpose of paying such increments, and shall include such amounts in his appropriations request, but in no case shall the amount estimated for increments based on efficiency standards exceed two-thirds the sum which would be required to grant efficiency increments to all the personnel of the agency then receiving, or who would receive during the first year of the biennium, the intermediate salary nearest the middle of the salary range established for the respective classification and/or position; *provided, however,* with the consent of the Personnel Council, State departments, bureaus, agencies or commissions with twenty-five (25) or less employees may exceed the two-thirds restrictions herein set up.

Increments to be considered in request for appropriation.

Limitation.

G. S. 143-40. Director and Council to fix holidays, vacation, hours, sick leave and other matters pertaining to State employment.

"SEC. 143-40. Director and Council to fix holidays, vacation, hours, sick leave and other matters pertaining to State employment.—The State Personnel Director, upon the advice and approval of the Council, shall fix, determine and establish the hours of labor in each State department, bureau, agency or commission, and is authorized and empowered to make all necessary rules and regulations with respect to holidays, vacations, sick leave or any other type of leave, and any and all other matters having direct relationship to services to be performed and the salaries and wages to be paid therefor, all of which shall be subject to the approval of the Governor: *Provided, however,* that the amount of annual leave granted as a matter of right to each regular State employee shall not be less than one and one-fourth days per calendar month cumulative to at least thirty days, and that sick leave granted to each State employee shall not be less than ten days for each calendar year, accumulative from year to year.

Minimum annual leave.

Minimum sick leave.

G. S. 143-41. Director to determine qualifications for applicants for positions.

"SEC. 143-41. Director to determine qualifications for applicants for positions.—The State Personnel Director, with the advice and approval of the Council and Governor, shall adopt rules and regulations to the end that applicants for positions in the various State departments, bureaus, agencies, and commissions covered by this Article may file applications for State employment with the director, and it shall be the duty of the director to examine into the qualifications of each applicant within a reasonable period of time after the application is filed and the director shall notify each applicant of the results of

Examination of qualifications of applicants; notification of results.

such examination in writing and shall certify and shall keep a list of persons so qualified. Said list shall be open to the inspection of the heads of the various departments, bureaus, agencies and commissions of the State, and such heads may from time to time fill positions from such lists. When any position covered by this Article has remained unfilled for a period of ten days, it shall be the duty of the department, bureau, agency or commission in which the unfilled position exists to notify the director of the fact, and the director shall list the unfilled position, so long as it shall remain unfilled, on the list which he shall keep posted in his office where it shall be available on demand to any person seeking employment in various State agencies, departments, bureaus or commissions. The list of certified applicants and list of unfilled positions shall be presented to the Council for its information at each regular meeting of the Council.

Maintenance of list of qualified persons.

List open to inspection.

Procedure as to unfilled positions.

"SEC. 143-42. Appeal provided in case of disagreement.—In the event there shall be a disagreement between the State Personnel Director and the head of any other department, bureau, agency or commission of the State or between the State Personnel Director and any employee subject to this Article because of any ruling of the director upon any question involving such other department, bureau, agency or commission, or any of its positions, employees, or any other matter within the scope and purview of this Article, then the matters in dispute shall be heard by the Council. Any employee or agency head may appeal from the decision of the Council and the matter shall be heard by the Governor and the decision or action of the Governor thereon shall be final.

G. S. 143-42. Appeal provided in case of disagreement between Director and department head or employee.

Matters in dispute heard by Council.

Appeal to Governor from decision of Council.

"SEC. 143-43. Offices of State Personnel Department and Merit System Council; Department to employ clerical and necessary assistants.—The Board of Public Buildings and Grounds shall provide the State Personnel Department with adequate offices in the City of Raleigh, North Carolina. The State Personnel Director shall be charged with supervision and administration of all activities subject to the jurisdiction and control of the State Personnel Department and, subject to the approval of the Council and Governor, said director is hereby authorized to employ clerical and such other assistants as may be deemed necessary and adequate in order to carry out the purpose and intent of this Article. For the purpose of establishing and fixing proper and adequate standards, classifications, job descriptions, specifications and salaries for technical, professional and skilled employees and for any other purposes pertinent to this Article, the director may, in cooperation with the head of any other State department, bureau, agency or commission, make use of the data, studies and services of any such department, bureau, agency or commission or the technical, professional or special knowledge or services of any employees of such department, bureau, agency or commission.

G. S. 143-43. Offices of State Personnel Department and Merit System Council.

Employment of clerical and necessary assistants.

Use of facilities and services of State departments, etc., by Personnel Director.

G. S. 143-44. Persons employed on effective date of Act deemed qualified.

"SEC. 143-44. Director to determine the qualifications of State employees selected by heads of departments; persons employed on effective date deemed qualified.—All persons employed in any department, bureau, agency or commission of the State government on the effective date of this Article shall be deemed qualified for the positions they hold or occupy, *provided* no person who has held any position for a period of less than six months on the effective date of this Article shall be deemed qualified until he shall have completed six months of satisfactory service in such position or shall before that time have been examined and found qualified by the director in accordance with the rules and regulations of the Council.

Qualification of person employed less than six months.

Selection and appointment of personnel by heads of departments, etc.

"The selection and appointment of all personnel of all of the departments, bureaus, agencies or commissions of the State, shall, as heretofore, be exercised by the head of the department, bureau, agency or commission as to which the employment is to be performed, but, from and after the effective date of this Act, such employment shall be subject to the approval of the State Personnel Director, as to whether such employees so selected meet the standards of qualifications established under this Article, and, if such person so selected is found duly qualified according to such standards, the Personnel Director shall approve the employment if otherwise authorized and permissible under this Article. Any employee of the State or any person seeking employment who has been found by the director not to be qualified for the position applied for may appeal the decision of the director to the Council at its next regular meeting after he has received notice of disqualification.

Employment subject to approval of Director.

Appeal of employee to Council from notice of disqualification.

G. S. 143-45. Director to certify copies of reports to State Auditor and Budget Bureau.

"SEC. 143-45. Director to certify copies of reports to State Auditor and Budget Bureau.—The State Personnel Director shall transmit to the State Auditor and the Budget Bureau copies of his report or reports, or any changes in same, with respect to the various departments, bureaus, agencies and commissions, and the salaries and wages, including increments, for such positions and employees in the several departments, bureaus, agencies and commissions and the same shall be paid out of the appropriations for such purposes and in accordance with the schedule set out in said report or reports or any duly established changes made therein: *Provided, however*, that when the Director of Personnel shall have approved any employment or salary increase in any department, bureau or agency of the State government, the certification for payment by the Assistant to the Director of the Budget, as required by Section 5 of this Act, shall not be construed as conferring upon or vesting in the Assistant to the Director of the Budget any authority or control over the employment of personnel, salaries, wages, hours of labor, vacations, sick leave, classifications, standards, regulations and reports, matters, things, administration and functions committed and vested in this Article to the jurisdiction and

Authority of the Assistant to the Director of the Budget.

control of the State Personnel Director and Council as set forth in this Article.

"SEC. 143-46. Exemptions; persons and employees not subject to this Article.—The provisions of this Article shall not apply to certain persons and employees as follows: Persons employed solely on an hourly basis; public school superintendents; principals and teachers and other public school employees; instructional and research staff of the educational institutions of the State; professional staff of hospitals, asylums, reformatories and correctional institutions of the State; members of boards, bureaus, agencies, commissions, councils and advisory councils, compensated on a per diem basis; constitutional officers of the State and except as to salaries, their chief administrative assistant; officials and employees whose salaries are fixed by the Governor, or by the Governor and Council of State, or by the Governor subject to the approval of the Council of State, or Advisory Budget Commission, by authority of a specific statute explicitly pertaining to such officials and/or employees; officials and/or employees whose salaries are fixed by the Governor subject to the approval of a definitely named officer, agent, bureau, agency or commission of the State by authority of a specific statute explicitly pertaining to such official and/or employees; officials and/or employees whose salaries are fixed by statute or by virtue of a specific statutory method other than by the method provided by this Article explicitly pertaining to such officials and/or employees. In all cases of doubt or where any question arises as to whether or not any person, official or employee is subject to the provisions of this Article, the doubt, controversy or question shall be investigated and decided by the State Personnel Director with the approval of the Council and such decision shall be final. Where the approval of any appointment, employment and/or salary is required by statute to be made by the Budget Bureau or Assistant to the Director of the Budget (by whatever title or name), all such authority and power of approval, in whatever manner or form exercised, is hereby transferred to and vested in the State Personnel Director, and all such statutes shall be deemed to be amended to such extent.

G. S. 143-46. Persons and employees exempt from provisions of Article.

Determination of questions as to exemptions by Personnel Director.

Statutory authority of Budget Bureau relating to approval of appointments or salaries, transferred to Personnel Director.

"SEC. 143-47. Classifications and salaries established prior to effective date of Article to remain in force until change.—All classifications, grades, salaries, wages, hours of work, vacation, sick leave, positions and standards heretofore established by the Division of Personnel under the Budget Bureau prior to the effective date of this Article shall remain in force and effect until the same are amended, altered, voided or replaced by the State Personnel Director and the Council acting under the authority of this Article."

G. S. 143-47. Classifications and salaries established prior to effective date of Article.

G. S. 126-2, amended.

SEC. 2. Amend Section 126-2 of the General Statutes by rewriting said Section so that the same shall hereafter read as follows:

Supervisor of merit examinations; rules and regulations; examinations.

"SEC. 126-2. Supervisor of Merit Examinations; rules and regulations; examinations.—The supervisor of merit examinations appointed under the provisions of Article 2 of Chapter 143 of the General Statutes, as amended and rewritten by the General Assembly of 1949, in cooperation with the Merit System Council, and with the approval of the State Personnel Director, the State agencies affected by this Chapter, as amended, and the Federal Security Agency or other Federal agency or department charged with the administration of the Federal Social Security Laws, shall prepare rules and regulations, job descriptions and specifications, and prepare and give examinations for and to all employees and applicants for employment and/or promotions of the agencies or departments affected by this Chapter. Such rules and regulations shall be printed and made available for public inspection and for the use of employees and applicants for employment in said agencies or departments."

Rules and regulations to be printed; available for public inspection and use of employees and applicants.

G. S. 126-3, amended to provide that compensation of supervisor be fixed by Personnel Director.

SEC. 3. Amend Section 126-3 of the General Statutes by striking out the words "director of the budget" as the same appear in the last line of said Section and by inserting in lieu thereof the following: "State Personnel Director."

G. S. 126-16, effect on certain existing laws, rewritten.

SEC. 4. Amend Section 126-16 of the General Statutes by rewriting said Section so that the same shall hereafter read as follows:

"SEC. 126-16. Effect on certain existing laws.—Nothing in this Chapter shall be construed as repealing any of the provisions of Article 2 of Chapter 143 of the General Statutes, as amended and rewritten by the General Assembly of 1949, relating to the State Personnel Department, nor as relieving the State Personnel Director and the State Personnel Council of the duties and responsibilities prescribed therein for the State Personnel Director and the State Personnel Council."

G. S. Ch. 143, Art. 1, amended.

G. S. 143-34.1, enacted.

SEC. 5. Amend Article 1 of Chapter 143 of the General Statutes by adding a new Section at the end of said Article 1, which new Section shall be designated as Section 143-34.1, and shall read as follows:

Payrolls submitted to Assistant to the Director of Budget.

"SEC. 143-34.1. Payrolls submitted to the Assistant to the Director of the Budget; approval of payment of vouchers.—All payrolls of all departments, institutions, and agencies of the State government shall, prior to the issuance of vouchers in payment therefor, be submitted to the Assistant to the Director of the Budget, who shall check the same against the appropriations to such departments, institutions and agencies for such purposes, and if found to be within said appropriations, he shall approve the same and return one to the department, institu-

Approval of payment of vouchers.

tion or agency submitting same and transmit one copy to the State Auditor, and no voucher in payment of said payroll or any item thereon shall be honored or paid except and to the extent that the same has been approved by the Assistant to the Director of the Budget."

Expenditures within limitation of appropriated funds.

SEC. 6. Nothing herein shall be construed as authorizing the fixing of classifications and descriptions, job specifications and employment standards, standards of salaries or wages, or necessary number of positions, or otherwise which cause the total funds required by any department, agency, bureau, or commission to exceed the funds appropriated for salaries and wages in that agency for either year of the biennium.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

S. B. 60 CHAPTER 719

AN ACT TO AMEND CHAPTER 1 OF THE GENERAL STATUTES, RELATING TO JUDICIAL SALES AND EXECUTION SALES.

The General Assembly of North Carolina do enact:

G. S. Ch. 1, amended.

SECTION 1. Chapter 1 of the General Statutes is hereby amended by inserting two new Articles immediately following Article 29 and immediately preceding Article 30, to be designated as Article 29A and Article 29B, reading as follows:

Art. 29A. Judicial Sales, enacted.

"Art. 29A. Judicial Sales.

Part 1. General provisions.

"Part 1. General Provisions.

G. S. 1-339.1. Definitions.

"SEC. 1-339.1. Definitions. (a) a judicial sale is a sale of property made pursuant to an order of a judge or clerk in an action or proceeding in the Superior Court, including a sale pursuant to an order made in an action in court to foreclose a mortgage or deed of trust, but is not

"Judicial sale."

(1) A sale made pursuant to a power of sale

a. Contained in a mortgage, deed of trust, or conditional sale contract, or

b. Granted by statute with respect to a mortgage, deed of trust, or conditional sale contract, or

(2) A resale ordered with respect to any sale described in

Subsection (a) (1), where such original sale was not held under a court order, or

(3) An execution sale, or

(4) A sale ordered in a criminal action, or

(5) A tax foreclosure sale, or

(6) A sale made pursuant to Article 4 of Chapter 35 of the General Statutes, relating to sales of estates held by the entireties when one or both spouses are mentally incompetent, or

(7) A sale made in the course of liquidation of a bank pursuant to G. S. 53-20, or

(8) A sale made in the course of liquidation of an insurance company pursuant to Article 17A of Chapter 58 of the General Statutes, or

(9) Any other sale the procedure for which is specially provided by any statute other than this Article.

(b) As hereafter used in this Article, "sale" means a judicial sale.

G. S. 1-339.2. Application of general provisions of Article.

"SEC. 1-339.2. Application of Part 1. The provisions of Part 1 of this Article apply to both public and private sales except where otherwise indicated.

G. S. 1-339.3. Application of article to sale ordered by clerk.

"SEC. 1-339.3. Application of article to sale ordered by clerk; by judge; authority to fix procedural details. (a) The procedure prescribed by this Article applies to all sales ordered by a Clerk of the Superior Court.

Application to sale ordered by judge.

Authority of judge to vary procedure.

(b) The procedure prescribed by this Article applies to all sales ordered by a Judge of the Superior Court, except that the judge having jurisdiction may, upon a finding and a recital in the order of sale of the necessity or advisability thereof, vary the procedure from that herein prescribed, but not inconsistently with G. S. 1-339.6 restricting the place of sale of real property, and not inconsistently with G. S. 1-339.27(a) and G. S. 1-339.36 requiring that a resale be ordered when an upset bid is submitted.

Authority to fix procedural details.

(c) The Judge or Clerk of the Superior Court having jurisdiction has authority to fix and determine all necessary procedural details with respect to sales in all instances in which this Article fails to make definite provisions as to such procedure.

G. S. 1-339.4. Persons authorized to hold sale.

"SEC. 1-339.4. Who may hold sale. An order of sale may authorize the persons designated below to hold the sale:

(1) In any proceeding, a commissioner specially appointed therefor; or

(2) In a proceeding to sell property of a decedent, the administrator, executor or collector of such decedent's estate;

(3) In a proceeding to sell property of a minor, the guardian of such minor's estate;

(4) In a proceeding to sell property of an incompetent, the guardian or trustee of such incompetent's estate;

(5) In a proceeding to sell property of an absent or missing person, the administrator, collector, conservator, or guardian of the estate of such absent or missing person;

(6) In a proceeding to foreclose a deed of trust, the trustee named in the deed of trust;

(7) In a receivership proceeding, the receiver.

"SEC. 1-339.5. Days on which sale may be held. A sale may be held on any day except Sunday.

G. S. 1-339.5. Days on which sale may be held.

"SEC. 1-339.6. Place of public sale. (a) Every public sale of real property shall be held in the county where the property is situated unless the property consists of a single tract situated in two or more counties.

G. S. 1-339.6. Place of public sale.

Real property situated in one county.

(b) A public sale of a single tract of real property situated in two or more counties may be held in any one of the counties in which any part of the tract is situated. For the purposes of this Section, a "single tract" means any tract which has a continuous boundary, regardless of whether parts thereof may have been acquired at different times or from different persons, or whether it may have been subdivided into separate units or lots or whether it is sold as a whole or in parts.

Real property situated in two or more counties.

(c) A public sale of personal property may be held at any place in the State designated in the order.

Personal property.

"SEC. 1-339.7. Presence of personal property at public sale required. The person holding a public sale of personal property shall have the property present at the place of sale unless the order of sale provides otherwise as authorized by G. S. 1-339.13(c).

G. S. 1-339.7. Presence of personal property at public sale required.

"SEC. 1-339.8. Public sale of separate tracts in different counties. (a) When an order of public sale directs the sales of separate tracts of real property situated in different counties, exclusive jurisdiction over such sale remains in the Superior Court of the county where the proceeding, in which the order of sale was issued, is pending, but there shall be a separate advertisement, sale and report of sale with respect to the property in each county. In any such sale proceeding, the Clerk of the Superior Court, of the county where the original order of sale was issued, has jurisdiction with respect to the resale of separate tracts of property situated in other counties as well as in the

G. S. 1-339.8. Public sale of separate tracts in different counties.

Jurisdiction of sale.

Separate advertisement, sale and report of sale.

Jurisdiction with respect to resale.

clerk's own county, and an upset bid may be filed only with such clerk, except in those cases where the judge retains resale jurisdiction pursuant to G. S. 1-339.27.

Filing of report of sale.

(b) The report of sale with respect to all sales of separate tracts situated in different counties shall be filed with the Clerk of the Superior Court of the county in which the order of sale was issued, and is not required to be filed in any other county.

Upon upset bid, sale of each tract may be deemed a separate sale.

(c) The sale, and each subsequent resale, or each such separate tract shall be subject to a separate upset bid; and to the extent deemed necessary by the Judge or Clerk of the Superior Court of the county where the original order of sale was issued, the sale of each tract, after an upset bid thereon, shall be treated as a separate sale for the purpose of determining the procedure applicable thereto.

Certified copy of order of sale recorded in county where property situated.

(d) When real property is sold in a county other than the county where the proceeding, in which the sale was ordered, is pending, the person authorized to hold the sale shall cause a certified copy of the order of sale to be recorded in the office of the register of deeds of the county where such property is situated.

G. S. 1-339.9. Sale as a whole or in part.

Sale of separate lots or units.

"SEC. 1-339.9. Sale as a whole or in parts. (a) When real property to be sold consists of separate lots or other units or when personal property consists of more than one article, the Judge or Clerk of the Superior Court having jurisdiction may direct specifically

(1) That it be sold as a whole, or

(2) That it be sold in designated parts, or

(3) That it be offered for sale by each method, and then sold by the method which produces the highest price.

Subdivision and dedication of streets, etc.

(b) When real property to be sold has not been subdivided but is of such nature that it may be advantageously subdivided for sale, the judge or clerk having jurisdiction may authorize the subdivision thereof and the dedication to the public of such portions thereof as are necessary or advisable for public highways, streets, alleys, or other public purposes.

Method of sale, where no provision made in order.

(c) When an order of sale of such real or personal property as is described in Subsection (a) of this Section makes no specific provision for the sale of the property as a whole or in parts, the person authorized to make the sale has authority in his discretion to sell the property by whichever method described in Subsection (a) of this Section he deems most advantageous.

G. S. 1-339.10. Bond of person holding sale.

"SEC. 1-339.10. Bond of person holding sale. (a) Whenever a commissioner specially appointed or a trustee in a deed of trust is ordered to sell property, the Judge or Clerk of the Superior Court having jurisdiction

(1) May in any case require the commissioner or trustee, before receiving the proceeds of the sale, to furnish bond to cover such proceeds, and

Appointed commissioner or trustee in deed of trust.

(2) Shall require the commissioner or trustee to furnish such bond when the commissioner or trustee is to hold the proceeds of the sale other than for immediate disbursement upon confirmation of the sale.

(b) Whenever any administrator or collector of a decedent's estate, or guardian or trustee of a minor's or incompetent's estate, or administrator, collector, conservator or guardian of an absent or missing person's estate, is ordered to sell property, the judge or clerk having jurisdiction shall require such fiduciary, before receiving the proceeds of the sale, to furnish bond or to increase his then existing bond, to cover such proceeds.

Administrator, collector, guardian, etc.

(c) Whenever an executor is ordered to sell real property, the judge or clerk having jurisdiction shall require such executor, before receiving the proceeds of the sale, to furnish bond to cover such proceeds, unless the will provides otherwise, in which case the judge or clerk may require such bond.

Executor.

(d) Whenever a receiver is ordered to sell real property, the judge having jurisdiction may, when he deems it advisable, require the receiver to furnish bond, or to increase his then existing bond, to cover such proceeds.

Receiver.

(e) The bond required by this Section need not be furnished when the property is to be sold by a duly authorized trust company acting as commissioner or fiduciary.

Bond not required of authorized trust company as commissioner or fiduciary.

(f) The bond shall be executed by one or more sureties and shall be subject to the approval of the judge or clerk having jurisdiction.

Execution and approval of bond.

(g) If the bond is to be executed by personal sureties, the amount of the bond shall be double the amount of the proceeds of the sale to be received by the commissioner or fiduciary, if such amount can be determined in advance, and, if not, such amount as the judge or clerk may determine to be approximately double the amount of the proceeds to be received. If the bond is to be executed by a duly authorized surety company, the amount of the bond shall be one and one-fourth times the amount of the proceeds determined as set out in this Subsection.

Amount of bond of personal sureties.

Amount of bond of authorized surety company.

(h) The bond shall be payable to the State of North Carolina for the use of the parties in interest. A bond furnished by a commissioner or by a trustee in a deed of trust shall be conditioned that the principal in the bond shall comply with the orders of the court made in the proceeding with respect to the funds received and shall properly account for the proceeds of the sale received by him. A bond furnished by any other fiduciary shall be conditioned as required by law for the original bond

Bond payable to State.

Conditions of bonds.

required, or which might have been required, of such fiduciary at the time of his qualification.

Premiums on bond.

(i) The premium on any bond furnished pursuant to this Section is a part of the costs of the proceeding, to be paid out of the proceeds of the sale.

G. S. 1-339.11. Compensation of person holding sale.

"SEC. 1-339.11. Compensation of person holding sale. (a) If the person holding a sale is a commissioner specially appointed or a trustee in a deed of trust, the Judge or Clerk of the Superior Court having jurisdiction shall fix the amount of his compensation and order the payment thereof out of the proceeds of the sale.

(b) If the person holding a sale is any other person, the judge or clerk may, but is not required to, fix his compensation and order the payment thereof out of the proceeds of the sale; when compensation is not fixed in this manner, compensation may be fixed and paid in the usual manner provided with respect to such fiduciary for receiving and disbursing funds.

G. S. 1-339.12. Clerk's authority to compel report or accounting.

"SEC. 1-339.12. Clerk's authority to compel report or accounting; contempt proceeding. Whenever any person fails to file any report or account, as provided by this Article, or files an incorrect or incomplete report or account, the Clerk of the Superior Court, having jurisdiction, on his own motion or on motion of any interested party, may issue an order directing such person to file a correct and complete report or account within twenty days after service of the order on him. If such person fails to comply with the order, the clerk may issue an attachment against him for contempt, and may commit him to jail until he files such correct and complete report or account.

Contempt proceedings upon failure to comply.

Part 2. Procedure for public sales of real and personal property.

Part 2. Procedure for Public Sales of Real and Personal Property.

G. S. 1-339.13. Required provisions of order of public sale.

"SEC. 1-339.13. Public sale: Order of sale. (a) Whenever a public sale is ordered, the order of sale shall

(1) Designate the person authorized to hold the sale;

(2) Direct that the property be sold at public auction to the highest bidder;

(3) Describe real property to be sold, by reference or otherwise, sufficiently to identify it;

(4) Describe personal property to be sold, by reference or otherwise, sufficiently to indicate its nature and quantity;

(5) Designate, consistently with G. S. 1-339.6, the county and the place therein at which the sale is to be held; and

(6) Prescribe the terms of sale, specifying the amount of the cash deposit, if any, to be made by the highest bidder at the sale.

(b) The order of public sale may also, but is not required to

Elective provisions of order of public sale.

(1) State the method by which the property shall be sold, pursuant to G. S. 1-339.9;

(2) Direct any posting of the notice of sale or any advertisement of the sale, in addition to that required by G. S. 1-339.17 in the case of real property or G. S. 1-339.18 in the case of personal property, which the Judge or Clerk of the Superior Court deems advantageous.

Provisions with respect to sale of personal property.

(c) The order of public sale may provide that personal property need not be present at the place of sale when the nature, condition or use of the property is such that the judge or clerk ordering the sale deems it impractical or inadvisable to require the presence of the property at the sale. In such event, the order shall provide that reasonable opportunity be afforded prospective bidders to inspect the property prior to the sale, and that notice as to the time and place for inspection shall be set out in the notice of sale.

G. S. 1-339.14. Judge's approval of order of sale of personal property in which minor or incompetent has interest.

"SEC. 1-339.14. Public sale: Judge's approval of clerk's order of sale. An order of public sale of personal property in which a minor or incompetent has an interest, which is made by a Clerk of the Superior Court, shall not be effective, except in the case of perishable property as provided by G. S. 1-339.19, unless and until such order is approved by the resident judge or the judge regularly holding the courts of the district.

G. S. 1-339.15. Contents of notice of public sale.

"SEC. 1-339.15. Public sale: Contents of notice of sale. The notice of public sale shall

(1) Refer to the order authorizing the sale;

(2) Designate the date, hour and place of sale;

(3) Describe real property to be sold, by reference or otherwise, sufficiently to identify it, and may add such further description as will acquaint bidders with the nature and location of the property;

(4) Describe personal property to be sold sufficiently to indicate its nature and quantity, and may add such further description as will acquaint bidders with the nature of the property;

(5) State the terms of the sale, specifying the amount of the cash deposit, if any, to be made by the highest bidder at the sale; and

(6) Include any other provisions required by the order of sale to be included therein.

G. S. 1-339.16. Time for beginning advertisement.

"SEC. 1-339.16. Public sale: Time for beginning advertisement. An order of sale may provide for the beginning of the advertisement of sale at any time after the order is issued. If

the order does not specify such time, the advertisement may be begun at any time after the order is issued.

G. S. 1-339.17. Posting and publishing notice of sale of real property.

"SEC. 1-339.17. Public sale: Posting and publishing notice of sale of real property. (a) The notice of public sale of real property shall

(1) Be posted, at the courthouse door in the county in which the property is situated, for thirty days immediately preceding the sale,

(2) And in addition thereto,

a. If a newspaper qualified for legal advertising is published in the county, the notice shall be published in such a newspaper once a week for at least four successive weeks, but

b. If no such newspaper is published in the county, the notice shall be posted at three other public places in the county for thirty days immediately preceding the sale.

Period of publication.

(b) When the notice of public sale is published in a newspaper,

(1) The period from the date of the first publication to the date of the last publication, both dates inclusive, shall not be less than twenty-two days, including Sundays, and

Date of last publication.

(2) The date of the last publication shall not be more than seven days preceding the date of sale.

Procedure when property situated in more than one county.

(c) When the real property to be sold is situated in more than one county, the provisions of Subsections (a) and (b) shall be complied with in each county in which any part of the property is situated.

Authority of judge or clerk as to posting and advertising.

(d) In addition to the foregoing, the notice of public sale shall be otherwise posted or the sale shall be otherwise advertised as may be required by the judge or clerk pursuant to the provisions of G. S. 1-339.13(b) (2).

G. S. 1-339.18. Posting notice of sale of personal property.

"SEC. 1-339.18. Public sale: Posting notice of sale of personal property. (a) The notice of public sale of personal property, except in the case of perishable property as provided by G. S. 1-339.19, shall be posted, at the courthouse door, in the county in which the sale is to be held, for ten days immediately preceding the date of sale.

(b) In addition to the foregoing, the notice of public sale shall be otherwise advertised as may be required by the Judge or Clerk of the Superior Court pursuant to the provisions of G. S. 1-339.13(b) (2).

G. S. 1-339.19. Exception; sale of perishable property.

"SEC. 1-339.19. Public sale: Exception; perishable property. If personal property to be sold at public sale is determined by

the Judge or Clerk of the Superior Court having jurisdiction to be perishable property because subject to rapid deterioration, he may order the sale thereof to be held at such time and place and upon such notice to be given in such manner and for such length of time as he deems advisable. The order of sale of such perishable property of a minor or incompetent when made by the clerk need not be approved by the judge. Confirmation of any sale of such perishable property is not necessary unless required by the order of sale.

Confirmation of sale of perishable property.

"SEC. 1-339.20. Public sale: Postponement of sale. (a) A person authorized to hold a public sale may postpone the sale to a day certain not later than six days, exclusive of Sunday, after the original date for the sale

G. S. 1-339.20. Postponement of sale.

Cause for postponement.

(1) When there are no bidders, or

(2) When, in his judgment, the number of prospective bidders at the sale is substantially decreased by inclement weather or by any casualty, or

(3) When there are so many other sales advertised to be held at the same time and place as to make it inexpedient and impracticable, in his judgment, to hold the sale on that day, or

(4) When he is unable to hold the sale because of illness or for other good reason, or

(5) When other good cause exists.

(b) Upon postponement of public sale the person authorized to hold the sale shall personally, or through his agent or attorney

Announcement of postponement.

(1) At the time and place advertised for the sale, publicly announce the postponement thereof, and

Notice of postponement.

(2) On the same day, attach to or enter on the original notice of sale or a copy thereof posted at the courthouse door, as provided by G. S. 1-339.17 in the case of real property or G. S. 1-339.18 in the case of personal property, a notice of the postponement.

Contents of notice of postponement.

(c) The posted notice of postponement shall

(1) State that the sale is postponed,

(2) State the hour and date to which the sale is postponed,

(3) State the reason for the postponement, and

(4) Be signed by the person authorized to hold the sale, or by his agent or attorney.

Provision for sales in event of failure to comply with postponement procedure.

(d) If a public sale is not held at the time fixed therefor and is not postponed as provided by this Section, or if a postponed sale is not held at the time fixed therefor, the person authorized to make the sale shall report the facts with respect thereto to the Judge or Clerk of the Superior Court having jurisdiction, who shall thereupon make an order for the public sale of the property to be held at such time and place and upon such notice to be given in such manner and for such length of time as he deems advisable.

G. S. 1-339.21. Time of sale.

"SEC. 1-339.21. Public sale: Time of sale. (a) A public sale shall begin at the time designated in the notice of sale or as soon thereafter as practicable, but not later than one hour after the time fixed therefor unless it is delayed by other sales held at the same place.

(b) No public sale shall commence before 10:00 o'clock A. M. or after 4:00 o'clock P. M.

(c) No public sale shall continue after 4:00 o'clock P. M., except that in cities or towns of more than 5000 inhabitants, as shown by the most recent Federal census, sales of personal property may continue until 10:00 o'clock P. M.

G. S. 1-339.22. Continuance of uncompleted sale.

"SEC. 1-339.22. Public sale: Continuance of uncompleted sale. A public sale commenced but not completed within the time allowed by G. S. 1-339.21 shall be continued by the person holding the sale to a designated time between 10:00 o'clock A. M. and 4:00 o'clock P. M. the next following day, other than Sunday.

Announcement of continuance.

In case such continuance becomes necessary, the person holding the sale shall publicly announce the time to which the sale is continued.

G. S. 1-339.23. When confirmation of sale of personal property necessary.

"SEC. 1-339.23. Public sale: When confirmation of sale of personal property necessary; delivery of property; bill of sale. (a) When any person interested as a creditor, legatee, distributee, or otherwise, in the proceeds of a public sale of personal property, objects at the sale to the completion of the sale of any article of property on account of the insufficiency of the amount bid, title to such property shall not pass and possession of the property shall not be delivered until the sale of such property is reported and is confirmed by the Judge or Clerk of the Superior Court having jurisdiction; but such objection to the completion of the sale of any article of property shall not prevent the completion of the sale of articles of property to which no objection is made where the same have been separately sold. When a

Procedure for new sale upon failure or refusal of judge or clerk to confirm sale.

judge or clerk having jurisdiction fails or refuses to confirm a sale of property which has thus been objected to, the procedure for a new sale of such property, including a new order of sale, shall be the same as if no such attempted sale has been held.

Exception as to perishable property.

This Subsection shall not apply to perishable property sold pursuant to G. S. 1-339.19.

(b) Except as provided in Subsection (a), the person holding a public sale of personal property shall deliver the property to the purchaser immediately upon compliance by the purchaser with the terms of the sale. Delivery of personal property upon compliance with terms of sale.

(c) The person holding a public sale may execute and deliver a bill of sale or other muniment of title for any personal property sold, and, upon application of the purchaser, shall do so when required by the Judge or Clerk of the Superior Court having jurisdiction. Execution and delivery of bill of sale.

"SEC. 1-339.24. Public sale: Report of sale; when final as to personal property. (a) The person holding a public sale shall, within five days after the date of the sale, file a report thereof with the Clerk of the Superior Court of the county where the proceeding for the sale is pending. G. S. 1-339.24. Report of sale.

(b) The report shall be signed by the person authorized to hold the sale, or by his agent or attorney and shall show Contents of report.

(1) The title of the action or proceeding;

(2) The authority under which the person making the sale acted;

(3) The date, hour and place of the sale;

(4) A description of real property sold, by reference or otherwise, sufficient to identify it, and, if sold in parts, a description of each part so sold; and

(5) A description of personal property sold, sufficient to indicate the nature and quantity of the property sold to each purchaser;

(6) The names of the purchasers;

(7) The price at which the property, or each part thereof, was sold and that such price was the highest bid therefor; and

(8) The date of the report.

(c) The report of sale of personal property, when confirmation of the sale is not required, may include such additional information as is required by G. S. 1-339.31 or G. S. 1-339.32, whichever is applicable, and when such additional information is included, the report shall constitute the final report of sale of personal property. If the report does not include the additional information required by G. S. 1-339.31 or G. S. 1-339.32, the final report required by those Sections shall be subsequently filed. Report of sale of personal property when confirmation not required.

"SEC. 1-339.25. Public sale: Upset bid on real property; compliance bond. (a) An upset bid is an advanced, increased or raised bid whereby a person offers to purchase real property theretofore sold, for an amount exceeding the reported sale G. S. 1-339.25. Upset bid on real property.

price by ten per cent (10%) of the first $1000 thereof plus five per cent (5%) of any excess above $1000, but in any event with a minimum increase of $25, such increase being deposited in cash with the Clerk of the Superior Court, with whom the report of the sale was filed, within ten days after the filing of such report. An upset bid need not be in writing, and the timely deposit with the clerk of the required amount, together with an indication to the clerk as to the sale to which it is applicable, if sufficient to constitute the upset bid, subject to the provisions of Subsection (b).

Compliance bond of person submitting upset bid.

(b) The Clerk of the Superior Court may require a person submitting an upset bid also to deposit a cash bond, or, in lieu thereof at the option of the bidder, a surety bond, approved by the clerk, conditioned on compliance with the upset bid. The amount of such bond shall not exceed the amount of the upset bid less the amount of the required deposit.

Compliance bond of highest bidder at resale.

(c) The Clerk of the Superior Court may in the order of resale require the highest bidder at a resale had pursuant to an upset bid to deposit with the clerk a cash bond, or, in lieu thereof at the option of the bidder, a surety bond, approved by the clerk, conditioned on compliance with his bid. The bond shall be in such amount as the clerk deems adequate, but in no case greater than the amount of the bid of the person being required to furnish the bond.

Compliance bond payable to State.

(d) A compliance bond, such as is provided for by Subsections (b) and (c), shall be payable to the State of North Carolina for the use of the parties in interest and shall be conditioned on the principal obligor's compliance with his bid.

G. S. 1-339.26. Separate upset bids when real property sold in parts.

"SEC. 1-339.26. Public sale: Separate upset bids when real property sold in parts; subsequent procedure. When real property is sold at public sale in parts, as provided by G. S. 1-339.9, the sale, and each subsequent resale, of any such part shall be

Subsequent procedure.

subject to a separate upset bid; and, to the extent the Judge or Clerk of the Superior Court having jurisdiction deems advisable, the sale of each such part shall thereafter be treated as a separate sale for the purpose of determining the procedure applicable thereto.

G. S. 1-339.27. Resale of real property upon submission of upset bid.

"SEC. 1-339.27. Public sale: Resale of real property; jurisdiction; procedure. (a) When an upset bid is submitted to the Clerk of the Superior Court, together with a compliance bond if one is required, a resale shall be ordered.

Jurisdiction of resale.

(b) In any case in which a judge has jurisdiction of the original sale, he may provide by order that jurisdiction is retained for resale purposes, and in such case when an upset bid is submitted, the judge having jurisdiction shall make the order of resale. In all cases where the judge does not retain jurisdiction of a sale for resale purposes, and in all cases where a sale

is originally ordered by a clerk, the clerk shall make the order of resale and shall have jurisdiction of the proceeding for resale purposes. Whenever the original order of sale is made by the judge, the terms of any resale ordered by the clerk shall be consistent with terms of the original order, and the final order of confirmation shall be made by the judge having jurisdiction of the proceeding.

Notice of resale.

(c) Notice of any resale to be held because of an upset bid shall

Posting of notice.

(1) Be posted, at the courthouse door in the county in which the property is situated, for fifteen days immediately preceding the sale,

Publication of notice.

(2) And in addition thereto,

a. If a newspaper qualified for legal advertising is published in the county, the notice shall be published in such a newspaper once a week for at least two successive weeks, but

b. If no such newspaper is published in the county, the notice shall be posted at three other public places in the county for fifteen days immediately preceding the sale.

Period of publication.

(d) When the notice of resale is published in a newspaper,

(1) The period from the date of the first publication to the date of the last publication, both dates inclusive, shall not be less than eight days, including Sunday, and

Date of last publication.

(2) The date of the last publication shall not be more than seven days preceding the date of sale.

Procedure when property situated in more than one county.

(e) When the real property to be resold is situated in more than one county, the provisions of Subsection (c) of this Section shall be complied with in each county in which any part of the property is situated.

Report of resale.

(f) The person making a resale shall report the resale in the same manner as required by G. S. 1-339.24.

When no bid at resale.

(g) When there is no bid at a resale other than the upset bid resulting in such resale, the person who made the upset bid is deemed the highest bidder at the resale. Such sale remains subject to a further upset bid and resale pursuant to this Article.

Subsequent resales.

(h) Resales may be had as often as upset bids are submitted in compliance with this Article.

Provisions of Article applicable to resales.

(i) Except as otherwise provided in this Section, all the provisions of this Article applicable to an original sale are applicable to resales.

G. S. 1-339.28. Confirmation of sale of real property.

"SEC. 1-339.28. Public sale: Confirmation of sale. (a) No public sale of real property may be consummated until confirmed

(1) By the resident judge of the district or the judge regularly holding the courts of the district, in those cases in which the sale was originally ordered by a Judge, or

(2) By the Clerk of the Superior Court in those cases in which the sale was originally ordered by the clerk.

Confirmation of sale of real property of minor or incompetent.

(b) No public sale of real property of a minor or incompetent originally ordered by a clerk may be consummated until confirmed both by the clerk and by the resident judge of the district or the judge regularly holding the courts of the district.

Expiration of time for upset bid before confirmation.

(c) No public sale of real property may be confirmed until the time for submitting an upset bid, pursuant to G. S. 1-339.25, has expired.

Confirmation of sale of personal property.

(d) Confirmation of the public sale of personal property is necessary only in the case set out in G. S. 1-339.23(a), or when the order of sale provides for such confirmation.

G. S. 1-339.29. Execution and delivery of deed to real property.

"SEC. 1-339.29. Public sale: Real property; deed; order for possession. (a) Upon confirmation of a public sale of real property, the person authorized to hold the sale, or such other person as may be designated by the Judge or Clerk of the Superior Court having jurisdiction, shall prepare and tender to the purchaser a duly executed deed for the property sold and, upon compliance by the purchaser with the terms of sale, shall deliver the deed to the purchaser.

Specific recitations contained in deed.

(b) A person executing a deed to real property being conveyed pursuant to a public sale may recite in the deed, in addition to the usual provisions, substantially as follows

(1) The authority for making the sale,

(2) The title of the action or proceeding in which the sale was had,

(3) The name of the person authorized to make the sale,

(4) The fact that the sale was duly advertised,

(5) The date of the sale,

(6) The name of the highest bidder and the price bid,

(7) That the sale has been confirmed,

(8) That the terms of the sale have been complied with, and

(9) That the person executing the deed has been authorized to execute it.

Order for possession.

(c) The Judge or Clerk of the Superior Court having jurisdiction of the proceeding in which the property is sold may grant an order for possession of real property so sold and conveyed, as against all persons in possession who are parties to the proceeding.

G. S. 1-339.30. Failure of bidder to make cash deposit; resale.

"SEC. 1-339.30. Public sale: Failure of bidder to make cash deposit or to comply with bid; resale. (a) If an order of public sale requires the highest bidder to make a cash deposit at the sale, and he fails to make such required deposit, the person holding the sale shall at the same time and place again offer the property for sale.

Failure of bidder for personal property to make cash deposit; resale.

(b) When the highest bidder at a public sale of personal property not required to be confirmed fails to make the cash payment, if any, required by the terms of the sale, the person holding the sale shall at the same time and place again offer the property for sale. In the event no other bid is received, a new sale may be advertised in the regular manner provided by this Article for an original sale.

Failure of bidder for personal property to comply with bid; resale.

(c) When the highest bidder at a public sale of personal property required to be confirmed fails to comply with his bid within ten days after notice given by the person holding the sale or after a bona fide attempt to give such notice that the sale has been confirmed, the judge or clerk having jurisdiction may order a resale. The procedure for such resale is the same in every respect as is provided by this Article in the case of an original public sale of personal property.

Procedure for resale.

Failure of bidder for real property to comply with bid; resale.

(d) When the highest bidder at a public sale or resale of real property fails to comply with his bid within ten days after the tender to him of a deed for the property or after a bona fide attempt to tender such deed, the judge or clerk having jurisdiction may order a resale. The procedure for such resale of real property is the same in every respect as is provided by this Article in the case of an original public sale of real property except that the provisions of G. S. 1-339.27(c), (d) and (e) apply with respect to the posting and publishing of the notice of such resale.

Procedure for resale.

Liability of defaulting bidder.

(e) A defaulting bidder at any sale or resale is liable on his bid, and in case a resale is had because of such default, he shall remain liable to the extent that the final sale price is less than his bid plus all costs of such resale or resales.

(f) Nothing in this Section deprives any person of any other remedy against the defaulting bidder.

G. S. 1-339.31. Report of commissioner or trustee in deed of trust.

"SEC. 1-339.31. Public sale: Report of commissioner or trustee in deed of trust. (a) A commissioner or a trustee in a deed of trust, authorized pursuant to G. S. 1-339.4 to hold a public sale of property, shall, in addition to all other reports

Account of receipts and disbursements.

required by this Article, file with the Clerk of the Superior Court an account of his receipts and disbursements as follows:

When sale for cash.

(1) When the sale is for cash, a final report shall be filed within 30 days after receipt of the proceeds of the sale;

When commissioner or trustee not required to collect deferred payments.

(2) When the sale is wholly or partly on time and the commissioner or trustee is not required to collect deferred payments, a final report shall be filed within 30 days after receipt of the cash payment, if any is required, and the receipt of all securities for the purchase price;

When commissioner or trustee required to collect deferred payments.

(3) When the commissioner or trustee is required to collect deferred payments,

a. He shall file a preliminary report within 30 days after receipt of the cash payment, if any is required, and the receipt of all securities for the purchase price, and

b. If the period of time during which he is required to collect deferred payments extends over more than one year, he shall file an annual report of his receipts and disbursements, and

c. After collecting all deferred payments, he shall file a final report.

Audit and recordation of reports and accounts.

(b) The clerk shall audit and record the reports and accounts required to be filed pursuant to this Section.

G. S. 1-339.32. Final report of person, other than commissioner or trustee in deed of trust.

"SEC. 1-339.32. Public sale: Final report of person, other than commissioner or trustee in deed of trust. An administrator, executor or collector of a decedent's estate, or a receiver, or a guardian or trustee of a minor's or incompetent's estate, or an administrator, collector, conservator or guardian of an absent or missing person's estate, is not required to file a special account of his receipts and disbursements for property sold at public sale pursuant to this Article unless so directed by the Judge or Clerk of the Superior Court having jurisdiction of the sale proceeding, but shall include in his next following account or report, either annual or final, an account of such receipts and disbursements.

Part 3. Procedure for private sales of real and personal property.

"Part 3. Procedure for Private Sales of Real and Personal Property.

G. S. 1-339.33. Private Sale.

"SEC. 1-339.33. Private sale: Order of sale. Whenever a private sale is ordered, the order of sale shall

Contents of order for private sale.

(1) Designate the person authorized to make the sale;

(2) Describe real property to be sold, by reference or otherwise, sufficiently to identify it;

(3) Describe personal property to be sold, by reference or otherwise, sufficiently to indicate its nature and quantity; and

(4) Prescribe such terms of sale as the Judge or Clerk of the Superior Court ordering the sale deems advisable.

"SECS. 1-339.34. Private sale: Exception: Certain personal property. (a) Notwithstanding any provisions of this Article, property described below may be sold at private sale at the current market price after first obtaining an order of sale:

G. S. 1-339.34. Private sale of certain personal property at current market price.

(1) Property consisting of stocks, bonds or other securities the current market value of which is established by sales on any stock or securities exchange supervised or regulated by the United States Government or any other of its agencies or departments, or

(2) Property consisting of stocks, bonds or other securities which are not sold on any stock or securities exchange supervised or regulated by the United States Government or any other of its agencies or departments, but which are found by the judge or clerk having jurisdiction to have a known or readily ascertainable market value, or

(3) Property consisting of cattle, hogs, or other livestock, or cotton, corn, tobacco, peanuts or other farm commodities or produce, found by the judge or clerk having jurisdiction to have a known or readily ascertainable market value.

Livestock and farm commodities or produce.

(b) Property determined by the judge or clerk having jurisdiction to be perishable property because subject to rapid deterioration may be sold at private sale after first obtaining an order of sale.

Perishable personal property.

(c) Any sale made pursuant to this Section is not subject to an upset bid, and is not required to be confirmed, but such sale is final.

"SEC. 1-339.35. Private sale: Report of sale. (a) The person holding a private sale shall, within five days after the date of the sale, file a report with the Clerk of the Superior Court of the county where the proceeding for the sale is pending.

G. S. 1-339.35. Report of private sale.

(b) The report shall be signed and shall show

Contents of report.

(1) The title of the action or proceeding;

(2) The authority under which the person making the sale acted;

(3) A description of real property sold, by reference or otherwise, sufficient to identify it, and, if sold in parts, a description of each part so sold;

(4) A description of personal property sold, sufficient to indicate the nature and quantity of the property sold to each purchaser;

(5) The name or names of the person or persons to whom the property was sold;

(6) The price at which the property, or each part thereof, was sold, and the terms of the sale; and

(7) The date of the report.

G. S. 1-339.36. Private sale. Upset bid.

"SEC. 1-339.36. Private sale: Upset bid; subsequent procedure. (a) Every private sale of real or personal property, except a sale of personal property as provided by G. S. 1-339.34, is subject to an upset bid on the same conditions and in the same manner as is provided by G. S. 1-339.25.

Subsequent procedure.

(b) When an upset bid is made for property sold at private sale, subsequent procedure with respect thereto shall be the same as for the public sale of real property for which an upset bid has been submitted, except that the notice of resale of personal property need not be published in a newspaper, but shall be posted as provided by G. S. 1-339.17.

G. S. 1-339.37. Private sale; Confirmation.

"SEC. 1-339.37. Private sale: Confirmation. If no upset bid for property sold at private sale is submitted within ten days after the report of sale is filed, the sale may then be confirmed, and the provisions of G. S. 1-339.28 (a) and (b) are applicable to such confirmation whether the property sold is real or personal. Unless otherwise provided in the order of sale, no confirmation is required or any sale held as provided by G. S. 1-339.34.

G. S. 1-339.38. Private sale of real property. Execution and delivery of deed.

"SEC. 1-339.38. Private sale: Real property; deed; order for possession. (a) Upon confirmation of a private sale of real property, the person authorized to hold the sale, or such other person as may be designated by the Judge or Clerk of the Superior Court having jurisdiction, shall prepare and tender to the purchaser a duly executed deed for the property sold and, upon compliance by the purchaser with the terms of the sale, shall deliver the deed to the purchaser.

Order for possession.

(b) The Judge or Clerk of the Superior Court having jurisdiction of the proceeding in which the property is sold may grant an order for possession of real property so sold and conveyed, as against all persons in possession who are parties to the proceeding.

G. S. 1-339.39. Private sale of personal property. Delivery of personal property; bill of sale.

"SEC. 1-339.39. Private sale: Personal property; delivery; bill of sale. Upon compliance by the purchaser with the terms of a private sale of personal property, and upon confirmation of the sale when confirmation is required by G. S. 1-339.37, the person authorized to hold the sale, or such other person as may be designated by the Judge or Clerk of the Superior Court having jurisdiction, shall deliver the property to the purchaser, and may execute and deliver a bill of sale or other muniment of title, and, upon application of the purchaser, shall do so when required by the judge or clerk having jurisdiction.

"SEC. 1-339.40. Private sale: Final report. (a) A commissioner or a trustee in a deed of trust authorized pursuant to G. S. 1-339.4 to hold a private sale of property shall make such a final report as is specified in G. S. 1-339.31. G. S. 1-339.40. Final report of private sale.

(b) Any other person authorized pursuant to G. S. 1-339.4 to hold a private sale of property shall make such a final report as is specified in G. S. 1-339.32.

"Art. 29B. Execution Sales. Art. 29B. Execution Sales, enacted.

"Part 1. General Provisions. Part 1. General provisions.

"SEC. 1-339.41. Definitions. (a) An execution sale is a sale of property by a sheriff or other officer made pursuant to an execution. G. S. 1-339.41. Definitions. "Execution sale."

(b) As used in this Article,

(1) "Sale" means an execution sale; "Sale."

(2) "Sheriff" means a sheriff or any officer authorized to hold an execution sale. "Sheriff."

"SEC. 1-339.42. Clerk's authority to fix procedural details. The Clerk of the Superior Court who issues an execution has authority to fix and determine all necessary procedural details with respect to sales in all instances in which this Article fails to make definite provisions as to such procedure. G. S. 1-339.42. Clerk's authority to fix procedural details.

SEC. 1-339.43. Days on which sale may be held. A sale may be held on any day except Sunday. G. S. 1-339.43. Days on which sale may be held.

"SEC. 1-339.44. Place of sale. (a) Every sale of real property shall be held at the courthouse door in the county where the property is situated unless the property consists of a single tract situated in two or more counties. G. S. 1-339.44. Place of sale. Real property situated in one county.

(b) A sale of a single tract of real property situated in two or more counties may be held at the courthouse door in any one of the counties in which any part of the tract is situated, but no sheriff shall hold any sale outside his own county. As used in this Section, a "single tract" means any tract which has a continuous boundary, regardless of whether parts thereof may have been acquired at different times or from different persons or whether it may have been subdivided into other units or lots, or whether it is sold as a whole or in parts. Real property situated in two or more counties.

(c) A sale of personal property may be held at any place in his county designated by the sheriff in the notice of sale. Personal property.

"SEC. 1-339.45. Presence of personal property at sale required. A sheriff holding a sale of personal property shall have the property present at the place of sale. G. S. 1-339.45. Presence of personal property at sale required.

"SEC. 1-339.46. Sale as a whole or in parts. When real property to be sold consists of separate lots or other units or when G. S. 1-339.46. Sale as a whole or in parts.

personal property consists of more than one article, the sheriff may sell such real or personal property as a whole or in designated parts, or may offer the property for sale by each method, and then sell the property by the method which produces the highest price; but regardless of which method is followed, the sheriff shall not sell more property than is reasonably necessary to satisfy the judgment together with the costs of the execution and the sale.

G. S. 1-339.47. Sale to be made for cash.

"SEC. 1-339.47. Sale to be made for cash. Every sale shall be made for cash.

G. S. 1-339.48. Life of execution.

"SEC. 1-339-48. Life of execution. If an execution is issued on a judgment, within the time provided by G. S. 1-306, and a sale, by authority of that execution, is commenced within the time provided by G. S. 1-310, the sale, including any resale, may be had and completed even though such sales, resales or other procedure are had after the time when the execution is required to be returned by G. S. 1-310, or after the time within which an execution could be issued with respect to such judgment pursuant to the provisions of G. S. 1-306. For the purpose of this Section, a sale is commenced when the notice of sale is first published in the case of real property as required by G. S. 1-339.52, or first posted in the case of personal property as required by G. S. 1-339.53.

Time when sale deemed commenced.

Part 2. Procedure for sale.

"Part 2. Procedure for Sale.

G. S. 1-339.51. Contents of notice of sale.

"SEC. 1-339.51. Contents of notice of sale. The notice of sale shall

(1) Refer to the execution authorizing the sale;

(2) Designate the date, hour and place of sale;

(3) Describe real property to be sold, by reference or otherwise, sufficiently to identify it, and may add such further description as will acquaint bidders with the nature and location of the property;

(4) Describe personal property to be sold sufficiently to indicate its nature and quantity, and may add such further description as will acquaint bidders with the nature of the property; and

(5) State that the sale will be made to the highest bidder for cash.

G. S. 1-339.52. Posting and publishing notice of sale of real property.

"SEC. 1-339.52. Posting and publishing notice of sale of real property. (a) The notice of sale of real property shall

(1) Be posted, at the courthouse door in the county in which the property is situated, for thirty days immediately preceding the sale,

(2) And in addition thereto,

a. If a newspaper qualified for legal advertising is published in the county, the notice shall be published in such a newspaper once a week for at least four successive weeks; but

b. If no such newspaper is published in the county, the notice shall be posted at three other public places in the county for thirty days immediately preceding the sale.

(b) When the notice of sale is published in a newspaper,

Period of publication.

(1) The period from the date of the first publication to the date of the last publication, both dates inclusive, shall not be less than twenty-two days, including Sundays, and

Date of last publication.

(2) The date of the last publication shall not be more than seven days preceding the date of sale.

Procedure when property situated in more than one county.

(c) When the real property to be sold is situated in more than one county, the provisions of Subsections (a) and (b) shall be complied with in each county in which any part of the property is situated.

G. S. 1-339.53. Posting notice of sale of personal property.

"SEC. 1-339.53. Posting notice of sale of personal property. The notice of sale of personal property, except in the case of perishable property as specified in G. S. 1-339.56, shall be posted, at the courthouse door in the county in which the sale is to be held, for ten days immediately preceding the date of sale.

G. S. 1-339.54. Notice to judgment debtor of sale of real property.

"SEC. 1-339.54. Notice to judgment debtor of sale of real property. In addition to complying with G. S. 1-339.52, relating to posting and publishing the notice of sale, the sheriff shall, at least ten days before the sale of real property,

(1) If the judgment debtor is found in the county, serve a copy of the notice of sale on him personally, or

(2) If the judgment debtor is not found in the county,

a. Send a copy of the notice of sale by registered mail to the judgment debtor at his last address known to the sheriff, and

b. Serve a copy of the notice of sale on the judgment debtor's agent, if there is in the county a person known to the sheriff to be an agent who has custody or management of, or who exercises control over, any property in the county belonging to the judgment debtor.

G. S. 1-339.55. Notification of Governor and Attorney General when State is stockholder in corporation whose property is to be sold.

"SEC. 1-339.55. Notification of Governor and Attorney General. When the State is a stockholder in any corporation whose property is to be sold under execution, notice in writing shall be given by the sheriff by registered mail to the Governor and the Attorney General at least 30 days before the sale, stating the time and place of the sale and including a copy of the process under the authority of which such sale is to be made. Any sale held without complying with the provisions of this Section is invalid with respect to the State.

G. S. 1-339.56. Exception: perishable property.

"SEC. 1-339.56. Exception: Perishable property. If, in the opinion of the sheriff, any personal property levied on under execution is perishable because subject to rapid deterioration, he shall forthwith report such levy, together with a description of the property, to the Clerk of the Superior Court, and request instructions as to the sale of such property. If the clerk then determines that the property is such perishable property, he shall thereupon order a sale thereof to be held at such time and place and upon such notice to be given in such manner and for such length of time as he deems advisable. If the clerk determines that the property is not perishable, he shall order it to be sold in the same manner as other nonperishable property.

G. S. 1-339.57. Satisfaction of judgment before sale completed.

"SEC. 1-339.57. Satisfaction of judgment before sale completed. (a) If, prior to the time fixed for a sale, or prior to the expiration of the time allowed for submitting any upset bid, payment is made or tendered to the sheriff of the judgment and costs with respect to which the execution was issued, and the sheriff's fees, commissions and expenses which have accrued, together with any expenses incurred on account of the sale or proposed sale including costs incurred in caring for the property levied on, then any right to effect a sale pursuant to the execution ceases.

G. S. 1-339.58. Postponement of sale.

"SEC. 1-339.58. Postponement of sale. (a) The sheriff may postpone the sale to a day certain not later than six days, exclusive of Sunday, after the original date for the sale.

Cause for postponement.

(1) When there are no bidders, or

(2) When, in his judgment, the number of prospective bidders at the sale is substantially decreased by inclement weather or by any casualty, or

(3) When there are so many other sales advertised to be held at the same time and place as to make it inexpedient and impracticable, in his judgment, to hold the sale on that day, or

(4) When he is unable to hold the sale because of illness or for other good reason, or

(5) When other good cause exists.

(b) Upon postponement of a sale, the sheriff shall

(1) At the time and place advertised for the sale, publicly announce the postponement thereof, and

Announcement of postponement.

(2) On the same day, attach to or enter on the original notice of sale or a copy thereof, posted at the courthouse door, as provided by G. S. 1-339.52 in the case of real property or G. S. 1-339.53 in the case of personal property, a notice of the postponement.

Notice of postponement.

(c) The posted notice of postponement shall

Contents of notice of postponement.

(1) State that the sale is postponed,

(2) State the hour and date to which the sale is postponed,

(3) State the reason for the postponement, and

(4) Be signed by the sheriff.

(d) If a sale is not held at the time fixed therefor and is not postponed as provided by this Section, or if a postponed sale is not held at the time fixed therefor, the sheriff shall report the facts with respect thereto to the Clerk of the Superior Court, who shall thereupon make an order for the sale of the property to be held at such time and place and upon such notice to be given in such manner and for such length of time as he deems advisable, but nothing herein contained shall be deemed to relieve the sheriff of liability for the nonperformance of his official duty.

Provision for sales in event of failure to comply with postponement procedure.

"SEC. 1-339.59. Procedure upon dissolution of order restraining or enjoining sale. (a) When, before the date fixed for a sale, a judge dissolves an order restraining or enjoining the sale, he may, if the required notice of sale has been given, provide by order that the sale shall be held without additional notice at the time and place originally fixed therefor, or he may, in his discretion, make an order with respect thereto as provided in Subsection (b).

G. S. 1-339.59. Procedure upon dissolution of order restraining or enjoining sale.

(b) When, after the date fixed for a sale, a judge dissolves an order restraining or enjoining the sale, he shall by order fix the time and place for the sale to be held upon notice to be given in such manner and for such length of time as he deems advisable.

"SEC. 1-339.60. Time of sale. (a) A sale shall begin at the time designated in the notice of sale or as soon thereafter as practicable, but not later than one hour after the time fixed therefor unless it is delayed by other sales held at the same place.

G. S. 1-339.60. Time of sale.

(b) No sale shall commence before 10:00 o'clock A. M. or after 4:00 o'clock P. M.

(c) No sale shall continue after 4:00 o'clock P. M., except that in cities or towns of more than 5000 inhabitants, as shown by the most recent Federal census, sales of personal property may continue until 10:00 o'clock P. M.

G. S. 1-339.61. Continuance of uncompleted sale.

"SEC. 1-339.61. Continuance of uncompleted sale. A sale commenced but not completed within the time allowed by G. S. 1-339.60 shall be continued by the sheriff to a designated time between 10:00 o'clock A. M. and 4:00 o'clock P. M. the next following day, other than Sunday. In case such continuance becomes necessary, the sheriff shall publicly announce the time to which the sale is continued.

Announcement of continuance.

G. S. 1-339.62. Delivery of personal property; bill of sale.

"SEC. 1-339.62. Delivery of personal property; bill of sale. A sheriff holding a sale of personal property shall deliver the property to the purchaser immediately upon receipt of the purchase price. The sheriff may also execute and deliver a bill of sale or other muniment of title for any personal property sold, and, upon application of the purchaser, shall do so when required by the Clerk of the Superior Court of the county where the property is sold.

G. S. 1-339.63. Report of sale.

"SEC. 1-339.63. Report of sale. (a) The sheriff shall, within five days after the date of the sale, file a report thereof with the Clerk of the Superior Court.

Contents of report.

(b) The report shall be signed and shall show

(1) The title of the action or proceeding;

(2) The authority under which the sheriff acted;

(3) The date, hour and place of the sale;

(4) A description of real property sold, by reference or otherwise, sufficient to identify it, and, if sold in parts, a description of each part so sold;

(5) A description of personal property sold, sufficient to indicate the nature and quantity of the property sold to each purchaser;

(6) The name or names of the person or persons to whom the property was sold;

(7) The price at which the property, or each part thereof, was sold and that such price was the highest bid therefor; and

(8) The date of the report.

G. S. 1-339.64. Upset bid on real property.

"SEC. 1-339.64. Upset bid on real property; compliance bond. (a) An upset bid is an advanced, increased or raised bid whereby a person offers to purchase real property theretofore sold, for an amount exceeding the reported sale price by ten per cent (10%) of the first $1000 thereof plus five per cent (5%) of

any excess above $1000, but in any event with a minimum increase of $25, such increase being deposited in cash with the Clerk of the Superior Court, with whom the report of the sale was filed, within ten days after the filing of such report. An upset bid need not be in writing, and the timely deposit with the clerk of the required amount, together with an indication to the clerk as to the sale to which it is applicable, is sufficient to constitute the upset bid, subject to the provisions in Subsection (b).

Compliance bond.

(b) The Clerk of the Superior Court may require the person submitting an upset bid also to deposit a cash bond, or, in lieu thereof at the option of the bidder, a surety bond, approved by the clerk, conditioned on compliance with the upset bid. The amount of such bond shall not exceed the amount of the upset bid less the amount of the required deposit.

Compliance bond of highest bidder at resale.

(c) The Clerk of the Superior Court may in the order of resale require the highest bidder at a resale had pursuant to an upset bid to deposit with the clerk a cash bond, or, in lieu thereof at the option of the bidder, a surety bond, approved by the clerk, conditioned on compliance with his bid. The bond shall be in such amount as the clerk deems adequate but in no case greater than the amount of the bid of the person being required to furnish the bond.

Compliance bond payable to State.

(d) A compliance bond, such as is provided for by Subsections (b) and (c), shall be payable to the State of North Carolina for the use of the parties in interest and shall be conditioned on the principal obligor's compliance with his bid.

G. S. 1-339.65. Separate upset bids when real property sold in parts; subsequent procedure.

"SEC. 1-339.65. Separate upset bids when real property sold in parts; subsequent procedure. When real property is sold in parts, as provided by G. S. 1-339.46, the sale, and each subsequent resale, of any such part shall be subject to a separate upset bid; and to the extent the Clerk of the Superior Court having jurisdiction deems advisable, the sale of each such part shall thereafter be treated as a separate sale for the purpose of determining the procedure applicable thereto.

G. S. 1-339.66. Resale of real property upon submission of upset bid.

"SEC. 1-339.66. Resale of real property; jurisdiction; procedure. (a) When an upset bid on real property is submitted to the Clerk of the Superior Court, together with a compliance bond if one is required, the clerk shall order a resale.

Notice of resale.

(b) Notice of any resale to be held because of an upset bid shall

Posting of notice.

(1) Be posted, at the courthouse door in the county in which the property is situated, for fifteen days immediately preceding the sale,

(2) And in addition thereto,

Publication of notice.

a. If a newspaper qualified for legal advertising is published in the county, the notice shall be published in such a newspaper once a week for at least two successive weeks; but

b. If no such newspaper is published in the county, the notice shall be posted at three other public places in the county for fifteen days immediately preceding the sale.

(c) When the notice of resale is published in a newspaper,

Period of publication.

(1) The period from the date of the first publication to the date of the last publication, both dates inclusive, shall not be less than eight days, including Sunday, and

Date of last publication.

(2) The date of the last publication shall not be more than seven days preceding the date of sale.

Procedure when property situated in more than one county.

(d) When the real property to be resold is situated in more than one county, the provisions of Subsections (b) and (c) shall be complied with in each county in which any part of the property is situated.

Report of sale.

(e) The sheriff shall report the resale in the same manner as required by G. S. 1-339.63.

When no bid at resale.

(f) When there is no bid at a resale other than the upset bid resulting in such resale, the person who made the upset bid is deemed the highest bidder at the resale. Such sale remains subject to a further upset bid and resale pursuant to this Article.

Subsequent resales.

(g) Resales may be had as often as upset bids are submitted in compliance with this Article.

Provisions of Article applicable to resales.

(h) Except as otherwise provided in this Section, all the provisions of this Article applicable to an original sale are applicable to resales.

G. S. 1-339.67. Confirmation of sale of real property.

"SEC. 1-339.67. Confirmation of sale of real property. No sale of real property may be consummated until the sale is confirmed by the Clerk of the Superior Court. No order of confirmation may be made until the time for submitting an upset bid, pursuant to G. S. 1-339.65, has expired.

G. S. 1-339.68. Execution and delivery of deed to real property.

"SEC. 1-339.68. Real property; deed; description; interest conveyed. (a) Upon confirmation of a sale of real property, the sheriff, upon order of the Clerk of the Superior Court, shall prepare and tender to the purchaser a duly executed deed for the property sold and, upon compliance by the purchaser with the terms of the sale, shall deliver the deed to the purchaser.

Property subject to liens.

(b) Any real property sold under execution remains subject to all liens which became effective prior to the lien of the judgment pursuant to which the sale is held, in the same manner and to the same extent as if no such sale had been held.

"SEC. 1-339.69. Failure of bidder to comply with bid; resale. (a) When the highest bidder at a sale of personal property fails to pay the amount of his bid, the sheriff shall at the same time and place immediately resell the property. In the event no other bid is received, a new sale may be advertised in the regular manner provided by this Article for an original sale.

G. S. 1-339.69. Personal property, failure of bidder to comply with bid; resale.

(b) When the highest bidder at a sale or resale of real property fails to comply with his bid within ten days after the tender to him of a deed for the property or after a bona fide attempt to tender such deed, the Clerk of the Superior Court who issued the execution may order a resale. The procedure for such resale is the same in every respect as is provided by this Article in the case of an original sale of real property except that the provisions of G. S. 1-339.66(b), (c) and (d) apply with respect to the posting and publishing of the notice of such resale.

Real property, failure of bidder to comply with bid; resale.

Procedure for resale.

(c) A defaulting bidder at any sale or resale is liable on his bid, and in case a resale is had because of such default, he shall remain liable to the extent that the final sale price is less than his bid plus all costs of such resale or resales.

Liability of defaulting bidder.

(d) Nothing in this Section deprives any person of any other remedy against the defaulting bidder.

"SEC. 1-339.70. Disposition of proceeds of sale. (a) After deducting all sums due him on account of the sale, including the expenses incurred in caring for the property so long as his responsibility for such care continued, the sheriff shall pay the proceeds of the sale to the Clerk of the Superior Court who issued the execution, and the clerk shall furnish the sheriff a receipt therefor.

G. S. 1-339.70. Disposition of proceeds of sale.

Expenses of sheriff.

(b) The clerk shall apply the proceeds of the sale so received to the payment of the judgment upon which the execution was issued.

Payment of judgment.

(c) Any surplus shall be paid by the clerk to the person legally entitled thereto if the clerk knows who such person is. If the clerk is in doubt as to who is entitled to the surplus, or if adverse claims are asserted thereto, the clerk shall hold such surplus until rights thereto are established in a special proceeding pursuant to G. S. 1-339.71.

Surplus proceeds.

"SEC. 1-339.71. Special proceeding to determine ownership of surplus. (a) A special proceeding may be instituted before the Clerk of the Superior Court by any person claiming any money, or part thereof, paid into the clerk's office under G. S. 1-339.70, to determine who is entitled thereto.

G. S. 1-339.71. Special proceeding to determine ownership of surplus.

(b) All other persons who have filed with the clerk notice of their claim to the money or any part thereof, or who, as far as the petitioner or petitioners know, assert any claim to the

Parties defendant to proceedings.

money or any part thereof, shall be made defendants in the proceeding.

Transfer to civil issue docket.

(c) If any answer is filed raising issues of fact as to the ownership of the money, the proceedings shall be transferred to the civil issue docket of the Superior Court for trial. When a proceeding is so transferred, the clerk may require any party to the proceeding who asserts a claim to the fund by petition or answer to furnish a bond for costs in the amount of $200.00, or otherwise comply with the provisions of G. S. 1-109.

Allowance for attorney's fee.

Taxing of costs.

(d) The court may, in its discretion, allow a reasonable attorney's fee for any attorney appearing in behalf of the party or parties who prevail, to be paid out of the funds in controversy, and shall tax all costs against the losing party or parties who asserted a claim to the fund by petition or answer."

G. S. 1-218, amended.

SEC. 2. (a) G. S. 1-218 is hereby amended by striking out the second paragraph of the Section.

Cited sections of G. S. repealed.

(b) G. S. 1-324, 1-325, 1-326, 1-327, 1-328, 1-330, 1-333, 1-334 and 1-336, are hereby repealed.

G. S. 1-337, amended to change number of section.

(c) G. S. 1-337 is hereby amended by changing the number of the Section to G. S. 1-339.49 so that it will immediately follow G. S. 1-339.48.

G. S. 1-338, amended to change number of section.

(d) G. S. 1-338 is hereby amended by changing the number of the Section to G. S. 1-339.50 so that it will immediately follow G. S. 1-339.49.

G. S. 1-339, repealed.

(e) G. S. 1-339 is hereby repealed.

G. S. 1-505, sale of property in hands of receiver, amended.

(f) G. S. 1-505 is hereby amended by adding the following sentence at the end of the Section:

"Except as provided in G. S. 1-506 the procedure for such sales shall be as provided in Article 29A of Chapter 1 of the General Statutes."

G. S. Ch. 28, Administration, Art. 13, sales of personal property, amended.

(g) Article 13 of Chapter 28 of the General Statutes is hereby amended by adding a new Section immediately preceding G. S. 28-73, to be numbered G. S. 28-72.1, and to read as follows:

G. S. 28-72.1, enacted.

Procedure when no order of sale obtained.

"G. S. 28-72.1. Procedure when no order of sale is obtained. The procedure set out in this Article is applicable when an order of sale is not obtained, but when an order of sale is obtained, the procedure for the sale shall be as provided in Article 29A of Chapter 1 of the General Statutes."

G. S. 28-74, collector may sell personal property only on order of court, amended.

(h) G. S. 28-74 is hereby amended by inserting after the word "sales" and before the word "of" in line two the words "or rentals," and said Section is hereby further amended by striking out the comma after the word "court" in line three and by inserting a period in lieu thereof, and striking out the remainder of the Section.

(i) G. S. 28-75 is hereby amended by striking out the comma immediately following the word "executors" in line two and by inserting in lieu thereof the word "or", and said Section is further amended by striking out the words "or collectors" in line three thereof.

G. S. 28-75, terms and notice of public sale of personal estate, amended.

(j) G. S. 28-76 is hereby amended by placing a period immediately following the word "sale" in line 10, and striking out the remainder of the Section.

G. S. 28-76, Clerk may order private sale in certain cases, amended.

(k) G. S. 28-78 is hereby amended by striking out the comma after the word "executor" in line six and by inserting in lieu thereof the word "or," and said Section is hereby further amended by striking out the words "or collector" in lines six and seven immediately following the word "administrator" in line six.

G. S. 28-78, representative's liability for collection of proceeds of sales of personal estate, etc., amended.

(l) G. S. 28-79 is hereby amended by striking out the comma immediately preceding the word "administrator" in line 13 and inserting the word "or" in lieu thereof, and said Section is further amended by striking out the words "or collector" immediately following the word "administrator" and immediately preceding the word "who" in line 13.

G. S. 28-79, hours of public sale; penalty, amended.

(m) G. S. 28-80 is hereby amended by striking out in lines three and four the words "at public auction, in the manner prescribed in this Chapter", and inserting in lieu thereof the words "in accordance with the provisions of Article 29A of Chapter 1 of the General Statutes."

G. S. 28-80, debts uncollected after year may be sold, amended.

(n) G. S. 28-81 is hereby amended by striking out the entire third paragraph of the Section.

G. S. 28-81, amended.

(o) G. S. 28-90 is hereby amended by adding the following sentence at the end of the Section: "The procedure for the sale shall be as is provided in Article 29A of Chapter 1 of the General Statutes."

G. S. 28-90, order of clerk for sale of real property, amended.

(p) G. S. 28-91 and 28-92 are hereby repealed.

G. S. 28-91 and 28-92, repealed.

(q) G. S. 28-93 is hereby amended by striking out all of the first sentence following the words "private sale" at the end of the sixth line, and inserting in lieu thereof the words "in accordance with the provisions of G. S. 1-339.34 through G. S. 1-339.40." Said Section is hereby further amended by striking out the second sentence.

G. S. 28-93, court may order private sale of real property of estate, amended.

(r) G. S. 28-99 is hereby amended by striking out all of the first sentence following the semicolon in line five, and by inserting in lieu thereof the following words: "the procedure for the sale shall be as is provided in Article 29A of Chapter 1 of the General Statutes, unless the conveyance is made to the party entitled to the proceeds."

G. S. 28-99, title in representative for estate, amended.

G. S. 33-21, sales and rentals by guardians, amended to eliminate reference to sales.

(s) G. S. 33-21 is hereby amended by striking out in the second line the words "sales and", and G. S. 33-21 is hereby further amended by striking out in lines 18 and 19 the words "of all sales of personal estate and " immediately following the word "proceeds" in line 18 and immediately preceding "rentings" in line 19.

G. S. 33-31, special proceedings to sell ward's estate, amended.

(t) G. S. 33-31 is hereby amended by striking out the words "sale or" immediately following the word "no" and immediately preceding the word "mortgage" in line 23, as set out in the 1947 Supplement to the General Statutes, and said Section is hereby further amended by adding the following sentence at the end of the Section: "The procedure for a sale pursuant to this Section shall be as provided by Article 29A of Chapter 1 of the General Statutes."

G. S. 33-33, sale of ward's estate to make assets, amended.

(u) G. S. 33-33 is hereby amended by inserting the following clause immediately following the word "sale" and immediately preceding the word "all" in line eight thereof, as set out in the 1947 Supplement to the General Statutes: "the procedure shall be as provided by Article 29A of Chapter 1 of the General Statutes;".

(v) G. S. 33-33 is hereby further amended by striking out the semicolon immediately following the word "situated" in line 19, as set out in the 1947 Supplement to the General Statutes, and inserting a period in lieu thereof and by striking out the remainder of the sentence.

G. S. 33-34, guardian to sell perishable goods on order of clerk, amended.

(w) G. S. 33-34 is hereby amended by striking out the second sentence of said Section and inserting in lieu thereof the following sentence: "The procedure for the sale shall be as provided by Article 29A of Chapter 1 of the General Statutes."

G. S. 35-10, as to sale of personal or real estate of incompetent, amended.

(x) G. S. 35-10 is hereby amended by adding a new sentence immediately following the first sentence and immediately preceding the second sentence of said Section: "The procedure for any sale made pursuant to this Section shall be as provided by Article 29A of Chapter 1 of the General Statutes."

G. S. 35-11, as to sale of real or personal estate of incompetent, amended.

(y) G. S. 35-11 is hereby amended by adding the following sentence at the end of said Section: "The procedure for any sale made pursuant to this Section shall be as provided by Article 29A of Chapter 1 of the General Statutes."

G. S. 35-12, sale of land of wife of lunatic, amended.

(z) G. S. 35-12 is hereby amended by adding a new sentence at the end of the Section to read as follows: "The procedure for any sale made pursuant to this Section shall be as provided by Article 29A of Chapter 1 of the General Statutes."

G. S. 46-27, sale of land required for public use on cotenant's petition, amended.

(aa) G. S. 46-27 is hereby amended by striking out the comma after the word "necessary" in line thirteen, and inserting a period in lieu thereof, and by striking out in lines thirteen and

fourteen the words "in the manner and on the terms it deems expedient."

(bb) G. S. 46-28 is hereby amended by rewriting the Section to read as follows:

G. S. 46-28, manner and terms of partition sales, rewritten.

"G. S. 46-28. Sale procedure. The procedure for a partition sale shall be the same as is provided in Article 29A of Chapter 1 of the General Statutes."

(cc) G. S. 46-29 is hereby repealed.

G. S. 46-29, repealed.

(dd) G. S. 46-30 is hereby amended by rewriting said Section in its entirety to read as follows:

G. S. 46-30, partition sales, title to purchaser; effect of deed, rewritten.

"SEC. 46-30. Deed to purchaser; effect of deed. The deed of the officer or person designated to make such sale shall convey to the purchaser such title and estate in the property as the tenants in common, or joint tenants, and all other parties to the proceeding had therein."

(ee) G. S. 46-31 is hereby amended by rewriting the Section in its entirety to read as follows:

G. S. 46-31, partition sales, appointment of commissioner amended.

"SEC. 46-31. Clerk not to appoint self, assistant, or deputy to sell real property. No Clerk of the Superior Court shall appoint himself or his assistant or deputy to make sale of any property in any proceeding before him."

(ff) G. S. 46-32 is hereby repealed.

G. S. 46-32, repealed.

(gg) G. S. 46-44 is hereby amended by rewriting said Section to read as follows:

G. S. 46-44, sale of personal property on partition, rewritten.

"SEC. 46-44. Sale of personal property on partition. If a division of personal property owned by any persons as tenants in common, or joint tenants, cannot be had without injury to some of the parties interested, and a sale thereof is deemed necessary, the court shall order a sale to be made as provided in Article 29A of Chapter 1 of the General Statutes."

(hh) G. S. 46-45 and G. S. 46-46 are hereby repealed.

G. S. 46-45 and 46-46, repealed.

SEC. 3. (a) Chapter 1 of the General Statutes is hereby amended by inserting a new Article immediately following Article 29B, to be designated as Article 29C, to be entitled "Validating Sections", and to consist of Sections as set out in this Section.

G. S. Ch. 1, Civil Procedure, amended.

Art. 29C, Validating Sections, enacted.

(b) G. S. 1-329 is hereby amended by changing the Section number to G. S. 1-339.72, and by transferring this Section so that it will be the first Section in Article 29C of Chapter 1 of the General Statutes.

G. S. 1-329 designated as G. S. 1-339.72.

(c) G. S. 1-331 is hereby amended by striking out the first two paragraphs of said Section, and by rewriting the Section title to read "Ratification of certain sales held on days other

G. S. 1-331, amended as to number and title.

than the day required by statute", and by changing the number of the Section to G. S. 1-339.73, so that this Section will immediately follow G. S. 1-339.72.

G. S. 1-332, changed to G. S. 1-339.74.

(d) G. S. 1-332 is hereby amended by changing the number of the Section to G. S. 1-339.74, so that this Section will immediately follow G. S. 1-339.73.

G. S. 1-335, changed to G. S. 1-339.75.

(e) G. S. 1-335 is hereby amended by changing the number of the Section to G. S. 1-339.75, so that this Section will immediately follow G. S. 1-339.74.

G. S. 28-93, amended.

(f) G. S. 28-93 is amended by rewriting the last sentence as a separate Section, to be numbered G. S. 1-339.76, so that it will immediately follow G. S. 1-339.75, and will read as follows:

G. S. 1-339.76. Validation of certain sales, enacted.

"G. S. 1-339.76. Validation of sales when payment deferred more than two years. All sales of land conducted prior to February 10, 1927, under authority of G. S. 28-93, in which the deferred payments were extended over a period longer than two years, are hereby validated."

Application of Act.

SEC. 4. (a) This Act shall not apply to any judicial sale when the original order of sale has been issued prior to the effective date of this Act.

(b) This Act shall not apply to any execution sale held pursuant to any execution originally issued prior to the effective date of this Act.

Conflicting laws repealed.

Exception.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed except that the present law shall remain in effect for the completion of judicial sales and execution sales to which this Act, under Section 4, does not apply.

Effective date.

SEC. 6. This Act shall become effective January 1, 1950.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

S. B. 61 CHAPTER 720

AN ACT TO AMEND CHAPTER 45 OF THE GENERAL STATUTES, RELATING TO SALES UNDER A POWER OF SALE IN A MORTGAGE, DEED OF TRUST OR CONDITIONAL SALE CONTRACT.

The General Assembly of North Carolina do enact:

G. S. Ch. 45, amended.

SECTION 1. Chapter 45 of the General Statutes of North Carolina is hereby amended by inserting a new Article immediately following Article 3 and immediately preceding Article 4, to be designated as Article 3A, reading as follows:

"Article 3A. Sales Under Power of Sale. Art. 3A. Sales under Power of Sale, enacted.

"Part 1. General Provisions. Part 1. General provisions.

"SEC. 45-21.1. Definitions. As used in this Article, "sale" means only a sale of real or personal property pursuant to— G. S. 45-21.1. Definitions.

(1) An express power of sale contained in a mortgage, deed of trust, or conditional sale contract, or "Sale", defined.

(2) A power of sale provided by statute with respect to a mortgage or deed of trust of personal property, or conditional sale contract, which does not contain an express power of sale.

"SEC. 45-21.2. Article not applicable to foreclosure by court action. This Article does not affect any right to foreclosure by action in court, and is not applicable to any such action. G. S. 45-21.2. Actions for foreclosure, excepted from Act.

"SEC. 45-21.3. Days on which sale may be held. A sale may be held on any day except Sunday. G. S. 45-21.3. Days of sale.

"SEC. 45-21.4. Place of sale of real property. (a) Every sale of real property shall be held in the county where the property is situated unless the property consists of a single tract situated in two or more counties. G. S. 45-21.4. Place of sale of real property.

(b) A sale of a single tract of real property situated in two or more counties may be held in any one of the counties in which any part of the tract is situated. As used in this Section, a "single tract" means any tract which has a continuous boundary, regardless of whether parts thereof may have been acquired at different times or from different persons, or whether it may have been subdivided into other units or lots, or whether it is sold as a whole or in parts. "Single tract" in two or more counties.

(c) When a mortgage or deed of trust with power of sale of real property designates the place of sale within the county, the sale shall be held at the place so designated. Designation of place of sale in lien.

(d) When a mortgage or deed of trust with power of sale of real property confers upon the mortgagee or trustee the right to designate the place of sale, the sale shall be held at the place within the county designated by the mortgagee or trustee in the notice of sale. Designation of place of sale by trustee.

(e) When a mortgage or deed of trust with power of sale of real property does not designate, or confer upon the mortgagee or trustee the right to designate, the place of sale, or when it designates as the place of sale some county in which no part of the property is situated, such real property shall be sold as follows: When sales are to be held at courthouse door.

(1) Property situated wholly within a single county shall be sold at the courthouse door of the county in which the land is situated.

(2) A single tract of property situated in two or more counties may be sold at the courthouse door of any one of the counties in which some part of the real property is situated.

G. S. 45-21.5. Place of sale of personal property.

"SEC. 45-21.5. Place of sale of personal property. (a) When a mortgage, deed of trust or conditional sale contract designates the county in which a sale of personal property shall be held or the place of sale within the county, the terms of the instrument shall be complied with.

(b) When the instrument does not designate the county in which a sale of personal property shall be held, the sale may be held in any county—

(1) When such instrument is recorded, if it has been recorded as provided by G. S. 47-20 or G. S. 47-23; or

(2) Where the property, or any part thereof, is located when the mortgagee, trustee or vendor takes possession of, or repossesses, it.

(c) When the instrument does not designate the particular place of sale within the county, the sale shall be held at such place therein as is designated in the notice of sale by the mortgagee, trustee or vendor.

G. S. 45-21.6. Presence of personal property at sale required.

"SEC. 45-21.6. Presence of personal property at sale required. The person holding a sale of personal property shall have the property present at the place of sale unless—

(1) The instrument containing the power of sale specifically provides otherwise, or

(2) Prior to the sale, the Clerk of the Superior Court in his discretion, upon application of any interested party, and upon notice being given, as provided by Article 48 of Chapter 1, to all parties in interest, issues an order authorizing the sale to be held without the property being present because the nature, condition or use of the property is such that the clerk deems it impractical or inadvisable to require the presence of the property at the sale. In such event, the order shall provide that reasonable opportunity be afforded prospective bidders to inspect the property prior to the sale, and that notice as to the time and place for inspection be set out in the notice of sale.

G. S. 45-21.7. Sale of separate tracts of real property in different counties.

"SEC. 45-21.7. Sale of separate tracts in different counties. (a) When the property to be sold consists of separate tracts of real property situated in different counties, there shall be a separate advertisement, sale and report of sale of the property in each county. The report of sale for the property in any one county shall be filed with the Clerk of the Superior Court of the county in which such property is situated. The sale, and each

subsequent resale, of each such tract shall be subject to a separate upset bid. The Clerk of the Superior Court of the county where the property is situated has jurisdiction with respect to resale of property situated within his county. To the extent the clerk deems necessary, the sale of each separate tract within his county, with respect to which an upset bid is received, shall be treated as a separate sale for the purpose of determining the procedure applicable thereto.

(b) The exercise of the power of sale with respect to a separate tract of property in one county does not extinguish or otherwise affect the right to exercise the power of sale with respect to tracts of property in another county to satisfy the obligation secured by the mortgage or deed of trust.

G. S. 45-21.8. Sale as a whole or in parts.

"SEC. 45-21.8. Sale as a whole or in parts. (a) When the instrument pursuant to which a sale is to be held contains provisions with respect to whether the property therein described is to be sold as a whole or in parts, the terms of the instrument shall be complied with.

(b) When the instrument contains no provisions with respect to whether the property therein described is to be sold as a whole or in parts, the person exercising the power of sale may, in his discretion, subject to the provisions of G. S. 45-21.9, sell the property as a whole or in such parts or parcels thereof as are separately described in the instrument, or he may offer the property for sale by each method and sell the property by the method which produces the highest price.

(c) This Section does not affect the equitable principle of marshaling assets.

G. S. 45-21.9. Amount of property to be sold when sold in parts.

"SEC. 45-21.9. Amount to be sold when property sold in parts; sale of remainder if necessary. (a) When a person exercising a power of sale sells property in parts pursuant to G. S. 45-21.8 he shall sell as many of such separately described units and parcels as in his judgment seems necessary to satisfy the obligation secured by the instrument pursuant to which the sale is being made, and the costs and expenses of the sale.

(b) If the proceeds of a sale of only a part of the property are insufficient to satisfy the obligation secured by the instrument pursuant to which the sale is made and the costs and expenses of the sale, the person authorized to exercise the power of sale may readvertise the unsold property and may sell as many additional units or parcels thereof as in his judgment seems necessary to satisfy the remainder of the secured obligation, and the costs and expenses of the sale. The readvertisement of such sale shall be made as provided by G. S. 45-21.17 in the case of real property or G. S. 45-21.18 in the case of personal property.

(c) When the entire obligation has been satisfied by a sale of only a part of the property with respect to which a power of sale exists, the lien on the part of the property not so sold is discharged.

(d) The fact that more property is sold than is necessary to satisfy the obligation secured by the instrument pursuant to which the power of sale is exercised does not affect the validity of the title of any purchaser of property at any such sale.

G. S. 45-21.10. Cash deposit; amount required.

"SEC. 45-21.10. Requirement of cash deposit at sale. (a) If a mortgage or deed of trust contains provisions with respect to a cash deposit at the sale, the terms of the instrument shall be complied with.

(b) If the instrument contains no provision with respect to a cash deposit at the sale, the mortgagee or trustee holding the sale of real property may require the highest bidder immediately to make a cash deposit not to exceed ten per cent (10%) of the amount of the bid up to and including $1,000, plus five per cent (5%) of any excess over $1,000.

(c) If the highest bidder fails to make the required deposit, the person holding the sale may at the same time and place immediately reoffer the property for sale.

G. S. 45-21.11. Serial notes, application of statute of limitations.

"SEC. 45-21.11. Application of statute of limitations to serial notes. When a series of notes maturing at different times is secured by a mortgage, deed of trust or conditional sale contract and the exercise of the power of sale for the satisfaction of one or more of the notes is barred by the statute of limitations, that fact does not bar the exercise of the power of sale for the satisfaction of indebtedness represented by other notes of the series not so barred.

G. S. 45-21.12. Power of sale barred when action to foreclose is barred.

"SEC. 45-21.12. Power of sale barred when foreclosure barred. (a) Except as provided in Subsection (b), no person shall exercise any power of sale contained in any mortgage, deed of trust or conditional sale contract, or provided by statute, when an action to foreclose the mortgage or deed of trust, or to enforce the conditional sale contract, is barred by the statute of limitations.

(b) If a sale pursuant to a power of sale contained in a mortgage, deed of trust or conditional sale contract, or provided by statute, is commenced within the time allowed by the statute of limitations to foreclose such mortgage or deed of trust, or to enforce such conditional sale contract, the sale may be completed although such completion is effected after the time when commencement of an action to foreclose would be barred by the statute. For the purpose of this Section, a sale is commenced when the notice of the sale is first posted or published as provided by this Article or by the terms of the instrument pursuant to which the power of sale is being exercised.

"SEC. 45-21.13. Conditional sale contract; mortgage or deed of trust of personal property; statutory power of sale. When a conditional sale contract or mortgage or deed of trust of personal property, does not contain an express power of sale, a power of sale is hereby conferred upon the vendor, mortgagee or trustee, which power may be exercised in the same manner as an express power of sale, except as provided by G. S. 45-21.18.

G. S. 45-21.13. Statutory power of sale; conditional sales, etc., of personal property.

"SEC. 45-21.14. Clerk's authority to compel report or accounting; contempt proceeding. Whenever any person fails to file any report or account, as provided by this Article, or files an incorrect or incomplete report or account, the Clerk of the Superior Court having jurisdiction on his own motion or the motion of any interested party, may issue an order directing such person to file a correct and complete report or account within twenty days after service of the order on him. If such person fails to comply with the order, the clerk may issue an attachment against him for contempt, and may commit him to jail until he files such correct and complete report or account.

G. S. 45-21.14. Clerk's authority to compel report or accounting.

Contempt proceedings.

"SEC. 45-21.15. Trustee's fees. (a) When a sale has been held, the trustee is entitled to such compensation, if any, as is stipulated in the instrument.

G. S. 45-21.15. Trustee's fees.

Where sale is held.

(b) When no sale has actually been held, compensation for a trustee's services is determined as follows:

Where sale not held.

(1) If no compensation for the trustee's services in holding a sale is provided for in the instrument, the trustee is not entitled to any compensation;

(2) If compensation is specifically provided for the trustee's services when no sale is actually held, the trustee is entitled to such compensation;

(3) If the instrument provides for compensation for the trustee's services in actually holding a sale, but does not provide compensation for the trustee's services when no sale is actually held, the trustee is entitled to such compensation as the parties agree upon;

(4) If the instrument provides for compensation for the trustee's services in actually holding a sale, but does not provide compensation for the trustee's services when no sale is actually held, and the parties are not able to agree as to the trustee's compensation, then five per cent (5%) of the amount of the obligation secured by the instrument, not exceeding the amount stipulated in the instrument as compensation for the trustee's services in actually holding a sale, shall be deposited with the Clerk of the Superior Court. Such sum shall be held by the clerk until the trustee's compensation is fixed by the clerk, upon petition by the trustee, after notice to the person who deposited such sum.

Part 2. Procedure for sale.

Part 2. Procedure for Sale.

G. S. 45-21.16. Contents of notice of sale.

"SEC. 45-21.16. Contents of notice of sale. The notice of sale shall—

(1) Refer to the instrument pursuant to which the sale is held;

(2) Designate the date, hour and place of sale consistent with the provisions of the instrument and this Article;

(3) Describe real property to be sold substantially as it is described in the instrument containing the power of sale, and may add such further description as will acquaint bidders with the nature and location of the property;

(4) Describe personal property to be sold substantially as it is described in the instrument pursuant to which the power of sale is being exercised, and may add such further description as will acquaint bidders with the nature of the property;

(5) State the terms of the sale provided for by the instrument pursuant to which the sale is held, including the amount of the cash deposit, if any, to be made by the highest bidder at the sale; and

(6) Include any other provisions required by the instrument to be included therein.

G. S. 45-21.17. Posting and publishing notice of sale of real property.

"SEC. 45-21.17. Posting and publishing notice of sale of real property. (a) When the instrument pursuant to which a sale of real property is to be held contains provisions with respect to posting or publishing notice of sale of the real property, such provisions shall be complied with, and compliance therewith is sufficient notice.

(b) When the instrument pursuant to which a sale of real property is to be held contains no provision with respect to posting or publishing notice of the sale of real property, the notice shall—

(1) Be posted, at the courthouse door in the county in which the property is situated, for thirty days immediately preceding the sale,

(2) And in addition thereto,

a. If a newspaper qualified for legal advertising is published in the county, the notice shall be published in such a newspaper once a week for at least four successive weeks; but

b. If no such newspaper is published in the county, the notice shall be posted at three other public places in the county for thirty days immediately preceding the sale.

(c) When the notice of sale is published in a newspaper,

(1) The period from the date of the first publication to the date of the last publication, both dates inclusive, shall not be less than twenty-two days, including Sundays, and

(2) The date of the last publication shall not be more than seven days preceding the date of sale.

(d) When the real property to be sold is situated in more than one county, the provisions of Subsections (a) or (b) whichever is applicable, and Subsection (c) shall be complied with in each county in which any part of the property is situated.

G. S. 45-21.18. Posting notice of sale of personal property.

"SEC. 45-21.18. Posting notice of sale of personal property; mailing notice when statutory power of sale exercised. (a) When an instrument containing an express power of sale of personal property contains provisions with respect to posting or publishing a notice of sale of the property, such provisions shall be complied with, and compliance therewith is sufficient notice.

(b) When the instrument pursuant to which a sale of personal property is to be held contains no provision with respect to posting or publishing notice of the sale, the notice of sale, except in the case of perishable property as described in G. S. 45-21.19, shall be posted, at the courthouse door in the county in which the sale is to be held, for ten days immediately preceding the sale.

Mailing notice of sale required when statutory power of sale is exercised.

(c) When a mortgage or deed of trust of personal property, or a conditional sale contract, contains no express power of sale, any person exercising the statutory power of sale provided therefor, in addition to the posting of notice required by Subsection (b), shall, at least ten days before the date of sale, mail by registered mail a copy of the notice of sale to the mortgagor or grantor in case of a mortgage or deed of trust of personal property, or the vendee in case of a conditional sale contract—

(1) At the actual address of the mortgagor, grantor or vendee, if such address is known to the mortgagee, trustee or vendor, or

(2) At the address, if any, furnished the mortgagee, trustee or vendor by the mortgagor, grantor or vendee, when the actual address is not known to the mortgagee, trustee or vendor.

(d) If the actual address of the mortgagor, grantor or vendee is not known to the mortgagee, trustee or vendor, and if no address of the mortgagor, grantor or vendee has been furnished to the mortgagee, trustee or vendor, no mailing of a copy of the notice of sale pursuant to Subsection (c) is required.

G. S. 45-21.19. Sale of perishable personal property.

"SEC. 45-21.19. Exception: perishable property. If, in the opinion of a person who is about to exercise a power of sale of

personal property, the property is perishable because subject to rapid deterioration, such person may report such fact together with a description of the property to the Clerk of the Superior Court of the county in which the property is to be sold, and apply for authority to sell the property at an earlier date than this Article would otherwise permit. If the clerk determines that the property is such perishable property, he shall order a sale thereof to be held at such time and place and upon such notice to be given in such manner and for such length of time as he deems advisable. If the clerk makes no such order, the person authorized to hold the sale shall proceed as if the matter had not been presented to the clerk.

G. S. 45-21.20. Satisfaction of debt after advertising begun but before sale completed.

"SEC. 45-21.20. Satisfaction of debt after publishing or posting notice, but before completion of sale. A power of sale is terminated if, prior to the time fixed for a sale, or prior to the expiration of the time for submitting any upset bid after a sale or resale has been held, payment is made or tendered of—

(1) The obligation secured by the mortgage, deed of trust or conditional sale contract, and

(2) The expenses incurred with respect to the sale or proposed sale, which in the case of a deed of trust also include compensation for the trustee's services under the conditions set forth in G. S. 45-21.15.

G. S. 45-21.21. Postponement of sale.

"SEC. 45-21.21. Postponement of sale. (a) Any person exercising a power of sale may postpone the sale to a day certain not later than six days, exclusive of Sunday, after the original date for the sale—

(1) When there are no bidders, or

(2) When, in his judgment, the number of prospective bidders at the sale is substantially decreased by inclement weather or by any casualty, or

(3) When there are so many other sales advertised to be held at the same time and place as to make it inexpedient and impracticable in his judgment, to hold the sale on that day, or

(4) When he is unable to hold the sale because of illness or for other good reason, or

(5) When other good cause exists.

Procedure upon postponement of a sale.

(b) Upon postponement of a sale, the person exercising the power of sale shall personally, or through his agent or attorney—

(1) At the time and place advertised for the sale, publicly announce the postponement thereof, and

(2) On the same day, attach to or enter on the original notice of sale or a copy thereof, posted at the courthouse door, as provided by G. S. 45-21.17 in the case of real property or G. S. 45-21.18 in the case of personal property, a notice of the postponement.

Contents of posted notice of postponement.

(c) The posted notice of postponement shall—

(1) State that the sale is postponed,

(2) State the hour and date to which the sale is postponed,

(3) State the reason for the postponement, and

(4) Be signed by the person authorized to hold the sale, or by his agent or attorney.

Readvertisement where sale not held or postponed as provided.

(d) If a sale is not held at the time fixed therefor and is not postponed as provided by this Section, or if a postponed sale is not held at the time fixed therefor, the person authorized to hold the sale may readvertise the property in the same manner as he was required to advertise the sale which was not held, and may hold a sale at such later date as is fixed in the new notice of sale.

G. S. 45-21.22. Procedure upon dissolution of order restraining or enjoining sale.

"SEC. 45-21.22. Procedure upon dissolution of order restraining or enjoining sale. (a) When, before the date fixed for a sale, a judge dissolves an order restraining or enjoining the sale, he may, if the required notice of sale has been given, provide by order that the sale shall be held without additional notice at the time and place originally fixed therefor, or he may, in his discretion, make an order with respect thereto as provided in Subsection (b).

(b) When, after the date fixed for a sale, a judge dissolves an order restraining or enjoining the sale, he shall by order fix the time and place for the sale to be held upon notice to be given in such manner and for such length of time as he deems advisable.

G. S. 45-21.23. Time of sale.

"SEC. 45-21.23. Time of sale. (a) A sale shall begin at the time designated in the notice of sale or as soon thereafter as practicable, but not later than one hour after the time fixed therefor unless it is delayed by other sales held at the same place.

(b) No sale shall commence before 10:00 o'clock A. M. or after 4:00 o'clock P. M.

(c) No sale shall continue after 4:00 o'clock P. M., except that in cities or towns of more than 5000 inhabitants, as shown by the most recent Federal census, sales of personal property may continue until 10:00 o'clock P. M.

G. S. 45-21.24. Continuance of uncompleted sale.

"SEC. 45-21.24. Continuance of uncompleted sale. A sale commenced but not completed within the time allowed by G. S.

45-21.23 shall be continued by the person holding the sale to a designated time between 10:00 o'clock A. M. and 4:00 o'clock P. M. the next following day, other than Sunday. In case such continuance becomes necessary, the person holding the sale shall publicly announce the time to which the sale is continued.

G. S. 45-21.25. Delivery of personal property to purchaser.

"SEC. 45-21.25. Delivery of personal property; bill of sale. The person holding a sale of personal property shall deliver the property to the purchaser immediately upon receipt of the purchase price. The person holding the sale may also execute and deliver a bill of sale or other muniment of title for any personal property sold, and upon application of the purchaser, shall do so when required by the Clerk of the Superior Court of the county where the property is sold. No report of such sale is necessary.

Execution of bill of sale.

G. S. 45-21.26. Preliminary report of sale of real property filed with Clerk.

"SEC. 45-21.26. Preliminary report of sale of real property; record to be kept by clerk. (a) The person exercising a power of sale of real property, shall, within five days after the date of the sale, file a report thereof with the Clerk of the Superior Court of the county in which the sale was had.

Contents of report.

(b) The report shall be signed by the person authorized to hold the sale, or by his agent or attorney, and shall show—

(1) The authority under which the person making the sale acted;

(2) The name of the mortgagor or grantor;

(3) The name of the mortgagee or trustee;

(4) The date of the sale;

(5) A reference to the book and page in the office of the register of deeds, where the instrument is recorded or, if not recorded, a description of the property sold, sufficient to identify it, and, if sold in parts, a description of each part so sold;

(6) The name or names of the person or persons to whom the property was sold;

(7) The price at which the property, or each part thereof, was sold, and that such price was the highest bid therefor;

(8) The name of the person making the report; and

(9) The date of the report.

G. S. 45-21.27. Upset bid on real property.

"SEC. 45-21.27. Upset bid on real property; compliance bond. (a) An upset bid is an advanced, increased or raised bid whereby any person offers to purchase real property theretofore sold, for an amount exceeding the reported sale price by ten per cent (10%) of the first $1000 thereof plus five per cent (5%) of any excess above $1000, but in any event with a minimum

increase of $25, such increase being deposited in cash with the Clerk of the Superior Court, with whom the report of the sale was filed, within ten days after the filing of such report. An upset bid need not be in writing, and the timely deposit with the clerk of the required amount, together with an indication to the clerk as to the sale to which it is applicable, is sufficient to constitute the upset bid, subject to the provisions of Subsection (b).

Compliance bond.

(b) The Clerk of the Superior Court may require the person submitting an upset bid also to deposit a cash bond, or, in lieu thereof at the option of the bidder, a surety bond, approved by the clerk. The amount of such bond shall not exceed the amount of the upset bid less the amount of the required deposit.

(c) The Clerk of the Superior Court may in the order of sale require the highest bidder at a resale had pursuant to an upset bid to deposit with the clerk a cash bond, or, in lieu thereof at the option of the bidder, a surety bond, approved by the clerk. The bond shall be in such amount as the clerk deems adequate, but in no case greater than the amount of the bid of the person being required to furnish the bond.

(d) A compliance bond, such as is provided for by Subsections (b) and (c), shall be payable to the State of North Carolina for the use of the parties in interest and shall be conditioned on the principal obligor's compliance with his bid.

G. S. 45-21.28. Separate upset bids when real property sold in parts.

"SEC. 45-21.28. Separate upset bids when real property sold in parts; subsequent procedure. When real property is sold in parts, as provided by G. S. 45-21.8, the sale, and each subsequent resale, of any such part is subject to a separate upset bid; and, to the extent the Clerk of the Superior Court having jurisdiction deems advisable, the sale of each such part shall thereafter be treated as a separate sale for the purpose of determining the procedure applicable thereto.

G. S. 45-21.29. Resale of real property; jurisdiction; procedure.

"SEC. 45-21.29. Resale of real property; jurisdiction; procedure. (a) When an upset bid on real property is submitted to the Clerk of the Superior Court, together with a compliance bond if one is required, the clerk shall order a resale.

Posting and publishing notice of resale.

(b) Notice of any resale to be held because of an upset bid shall—

(1) Be posted, at the courthouse door in the county in which the property is situated, for fifteen days immediately preceding the sale.

(2) And in addition thereto,

a. If a newspaper qualified for legal advertising is published in the county, the notice shall be published in such a newspaper once a week for at least two successive weeks; but

b. If no such newspaper is published in the county, the notice shall be posted at three other public places in the county for fifteen days immediately preceding the sale.

(c) When the notice of resale is published in a newspaper,

(1) The period from the date of the first publication to the date of the last publication, both dates inclusive, shall not be less than eight days, including Sunday, and

(2) The date of the last publication shall not be more than seven days preceding the date of sale.

Property situated in more than one county.

(d) When the real property to be resold is situated in more than one county, the provisions of Subsections (b) and (c) shall be complied with in each county in which any part of the property is situated.

Report of resale.

(e) The person holding the resale shall report the resale in the same manner as required by G. S. 45-21.26.

(f) When there is no bid at a resale other than the upset bid resulting in such resale, the person who made the upset bid is deemed the highest bidder at the resale. Such resale remains subject to other upset bids and resales pursuant to this Article.

Additional sales upon upset bids.

(g) Resales may be had as often as upset bids are submitted in compliance with this Article.

(h) Except as otherwise provided in this Section, all the provisions of this Article applicable to an original sale are applicable to resales.

Jurisdiction of Clerk Superior Court.

(i) The Clerk of the Superior Court shall make all such orders as may be just and necessary to safeguard the interests of all parties, and shall have authority to fix and determine all necessary procedural details with respect to resales in all instances in which this Article fails to make definite provision as to such procedure.

G. S. 45-21.30. Failure of bidder to make deposit or to comply with bid; resale.

"SEC. 45-21.30. Failure of bidder to make cash deposit or to comply with bid; resale. (a) If the terms of a sale of real or personal property require the highest bidder to make a cash deposit at the sale, and he fails to make such required deposit, the person holding the sale shall at the same time and place again offer the property for sale.

(b) When the highest bidder at a sale of personal property for cash fails to pay the amount of his bid, the person holding the sale shall at the same time and place again offer the property for sale. In the event no other bid is received, a new sale may be advertised in the regular manner provided by this Article for an original sale.

(c) When the highest bidder at a sale or resale of real property fails to comply with his bid upon tender to him of a deed for the property or after a bona fide attempt to tender such deed, the person authorized to sell the property may hold a resale. The procedure for such resale is the same in every respect as is provided by this Article in the case of an original sale of real property except that the provisions of G. S. 45-21.29 (b) (c) and (d) apply with respect to the posting and publishing of the notice of such resale.

Liability of defaulting bidder.

(d) A defaulting bidder at any sale or resale is liable on his bid, and in case a resale is had because of such default, he shall remain liable to the extent that the final sale price is less than his bid plus all costs of such resale or resales.

(e) Nothing in this Section deprives any person of any other remedy against the defaulting bidder.

G. S. 45-21.31. Disposition of proceeds of sale.

"SEC. 45-21.31. Disposition of proceeds of sale; payment of surplus to clerk. (a) The proceeds of any sale shall be applied by the person making the sale, in the following order, to the payment of—

(1) Costs and expenses of the sale, including the trustee's commission, if any, and a reasonable auctioneer's fee if such expense has been incurred;

(2) Taxes due and unpaid on the property sold, as provided by G. S. 105-408, if the property sold is real property;

(3) Special assessments, or any installments thereof, against the property sold, which are due and unpaid, as provided by G. S. 105-408, if the property sold is real property;

(4) The obligation secured by the mortgage, deed of trust or conditional sale contract.

Disposition of surplus.

Payment to persons entitled.

Payment to Clerk of Superior Court.

(b) Any surplus remaining after the application of the proceeds of the sale as set out in Subsection (a) shall be paid to the person or persons entitled thereto, if the person who made the sale knows who is entitled thereto. Otherwise, the surplus shall be paid to the Clerk of the Superior Court of the county where the sale was had—

(1) In all cases when the owner of the property sold is dead and there is no qualified and acting personal representative of his estate, and

(2) In all cases when he is unable to locate the persons entitled thereto, and

(3) In all cases when the mortgagee, trustee or vendor is, for any cause, in doubt as to who is entitled to such surplus money, and

(4) In all cases when adverse claims thereto are asserted.

Discharge of liability upon payment to Clerk.

(c) Such payment to the clerk discharges the mortgagee, trustee or vendor from liability to the extent of the amount so paid.

Receipt from Clerk.

(d) The clerk shall receive such money from the mortgagee, trustee or vendor and shall execute a receipt therefor.

Liability on official bond.

(e) The clerk is liable on his official bond for the safekeeping of money so received until it is paid to the party or parties entitled thereto, or until it is paid out under the order of a court of competent jurisdiction.

G. S. 45-21.32. Special proceedings to determine ownership of surplus.

"SEC. 45-21.32. Special proceeding to determine ownership of surplus. (a) A special proceeding may be instituted before the Clerk of the Superior Court by any person claiming any money, or part thereof, paid into the clerk's office under G. S. 45-21.31, to determine who is entitled thereto.

Parties defendant.

(b) All other persons who have filed with the clerk notice of their claim to the money or any part thereof, or who, as far as the petitioner or petitioners know, assert any claim to the money or any part thereof, shall be made defendants in the proceeding.

Transfer to civil issue docket.

(c) If any answer is filed raising issues of fact as to the ownership of the money, the proceeding shall be transferred to the civil issue docket of the Superior Court for trial. When a proceeding is so transferred, the clerk may require any party to the proceeding who asserts a claim to the fund by petition or answer to furnish a bond for costs in the amount of $200.00 or otherwise comply with the provisions of G. S. 1-109.

Allowance of attorney's fees.

(d) The court may, in its discretion, allow a reasonable attorney's fee for any attorney appearing in behalf of the party or parties who prevail, to be paid out of the funds in controversy, and shall tax all costs against the losing party or parties who asserted a claim to the fund by petition or answer.

G. S. 45-21.33. Final report of sale of real property.

"SEC. 45-21.33. Final report of sale of real property. (a) A person who holds a sale of real property pursuant to a power of sale shall file with the Clerk of the Superior Court of the county where the sale is held a final report and account of his receipts and disbursements within thirty days after the receipt of the proceeds of such sale. Such report shall show whether the property was sold as a whole or in parts and whether all of the property was sold. The report shall also show whether all or only a part of the obligation was satisfied with respect to which the power of sale of property was exercised.

Audit by Clerk.

(b) The clerk shall audit the account and record it.

Additional records to be filed.

(c) The person who holds the sale shall also file with the clerk—

(1) A copy of the notices of sale and resale, if any, which were posted, and

(2) A copy of the notices of sale and resale, if any, which were published in a newspaper, together with an affidavit of publication thereof, if the notices were so published.

Fee for auditing.

(d) The clerk's fee for auditing and recording the final account is a part of the expenses of the sale, and the person holding the sale shall pay the clerk's fee as part of such expenses."

G. S. 45-38, amended as to entry of foreclosure.

SEC. 2. G. S. 45-38 is hereby amended by adding the following sentence at the end of the Section: "In the event the entire obligation secured by a mortgage or deed of trust is satisfied by a sale of only a part of the property embraced within the terms of the mortgage or deed of trust, the trustee or mortgagee shall make an additional notation as to which property was sold and which was not sold."

G. S. Ch. 45, amended.

SEC. 3. (a) Chapter 45 of the General Statutes is hereby amended by inserting a new Article immediately following Article 3A, to be designated as Article 3B, to be entitled, "Injunctions; Deficiency Judgments," and to consist of Sections as set out in this Section.

Designation of new Article 3B, "Injunctions; Deficiency Judgments," composed of enumerated sections of G. S.

G. S. 45-32, re-numbered as G. S. 45-21.34.

(b) G. S. 45-32 is hereby amended by changing the Section number to G. S. 45-21.34, and by transferring this Section so that it will be the first Section in Article 3B of Chapter 45 of the General Statutes.

G. S. 45-33, re-numbered as G. S. 45-21.35.

(c) G. S. 45-33 is hereby amended by changing the number of the Section to G. S. 45-21.35, so that it will immediately follow G. S. 45-21.34.

G. S. 45-34, re-numbered as G. S. 45-21.36.

(d) G. S. 45-34 is hereby amended by changing the number of the Section to G. S. 45-21.36, so that it will immediately follow G. S. 45-21.35.

G. S. 45-35, amended.

(e) G. S. 45-35 is hereby amended by changing the number of the Section to G. S. 45-21.37, so that it will immediately follow G. S. 45-21.36, and by rewriting the Section to read as follows:

G. S. 45-21.37, enacted.

"G. S. 45-21.37. Certain Sections not applicable to tax suits. Sections 45-21.34 through 45-21.36 do not apply to tax foreclosure suits or tax sales."

G. S. 45-36, re-numbered as G. S. 45-21.38.

(f) G. S. 45-36 is hereby amended by changing the number of the Section to G. S. 45-21.38, so that it will immediately follow G. S. 45-21.37.

Designation of new Article 3C, "Validating Sections; Limitation of Time for Attacking Certain Foreclosures."

SEC. 4. (a) Chapter 45 of the General Statutes is hereby amended by inserting a new Article immediately following Article 3B, to be designated as Article 3C, to be entitled, "Validating Sections; Limitation of Time for Attacking Certain Foreclosures," and to consist of Sections as set out in this Section.

G. S. 45-22, re-numbered as G. S. 45-21.39.

(b) G. S. 45-22 is hereby amended by changing the Section number to G. S. 45-21.39, and by transferring this Section so that it will be the first Section in Article 3C of Chapter 45 of the General Statutes.

G. S. 45-26.1, re-numbered as G. S. 45-21.40.

(c) G. S. 45-26.1 is hereby amended by changing the number of the Section to G. S. 45-21.40, so that it will immediately follow G. S. 45-21.39.

G. S. 45-31, re-numbered as G. S. 45-21.41.

(d) G. S. 45-31 is hereby amended by changing the number of the Section to G. S. 45-21.41, so that it will immediately follow G. S. 45-21.40.

G. S. 45-36.1, re-numbered as G. S. 45-21.42.

(e) G. S. 45-36.1 is hereby amended by changing the number of the Section to G. S. 45-21.42, so that it will immediately follow G. S. 45-21.41.

Cited sections of G. S. and other conflicting laws repealed.

SEC. 5. G. S. 45-23, 45-24, 45-25, 45-26, 45-27, 45-28, 45-29, 45-30, 45-39, and all other laws and clauses of laws in conflict with this Act are hereby repealed except that the present law shall remain in effect for the completion of sales under power of sale to which this Act, under Section 6, does not apply.

Act not applicable to sales commenced prior to effective date.

SEC. 6. This Act does not apply to any sale commenced prior to the effective date of this Act. For the purposes of this Section, a sale has been commenced if a notice of sale has been posted or published.

Effective date.

SEC. 7. This Act shall become effective January 1, 1950.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

S. B. 319 **CHAPTER 721**

AN ACT RELATING TO THE SALARY OF THE SHERIFF AND THREE DEPUTY SHERIFFS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 258, Public-Local Laws, 1933, amended.

SECTION 1. Section 3 of Chapter 258 of the Public-Local Laws of 1933, as amended, is hereby further amended by rewriting said Section to read as follows:

Edgecombe County, duties of sheriff.

Compensation of sheriff.

"SEC. 3. That the Sheriff of Edgecombe County shall have no duty, power or obligation in reference to the collection of taxes, but shall continue to discharge the other duties of the office as now provided by law. The sheriff shall receive as compensation for his services the monthly salary of not to exceed three hundred and sixty dollars ($360.00), and all fees and commissions which are now allowed or may hereafter be allowed for services not connected with the collection of taxes. The said

sheriff is hereby authorized and empowered, in his discretion, to appoint three deputies who shall receive a monthly salary of not to exceed three hundred and thirty dollars ($330.00) each to be paid from the General Fund of Edgecombe County." Appointment of deputies sheriff. Salary of deputies.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1063 **CHAPTER 722**

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons be, and they are hereby appointed justices of the peace for their respective townships and counties in North Carolina, for a term of two years, said terms to begin on April 1st, 1949: *Provided*, that they may qualify at any time within ninety days after April 1st, 1949. Biennial appointment of justices of the peace. Term of office. Qualification.

Alexander County. Alexander County

Ellendale Township—Frank Reese
Gwaltney Township—T. R. Allen
Sugar Loaf Township—Perry Crouch
Sharpe #1 Township—S. N. Honeycutt
Taylorsville #4 Township—J. R. Stewart
Whittenburg #1 Township—W. L. Spencer

Alleghany County. Alleghany County

Gap Civil Township—G. Glenn Nichols, B. F. Wagoner
Panthers Creek Township—R. G. Warden

Anson County. Anson County.

Ansonville Township—Sam Lee, Glenn K. Martin, J. D. Porter, Will H. Randle
Burnsville Township—Samp Curlee, J. C. Edwards, J. P. Gaddy, Ray Lee, G. H. Parker
Gulledge Township—Jerome Adams, William R. Burr, Ben C. Jones, E. G. Jones, R. D. R. Little, Jesse R. Ratliff, W. C. Webb
Lanesboro Township—Tom W. Allen, James Austin, Ernest Caudle, Stephen Funderburk, Henry Love, C. W. Maness, L. W. Medlin, Frank McCollum

Lilesville Township—Beverly Allen, James Clark, J. G. Williams

Morven Township—J. E. Eddins, Susan E. Braswell, W. E. Pratt, C. E. Ratliff, Marion T. Ratliff, Milton D. Stegall

Wadesboro Township—C. H. Ferguson, H. C. Gray, F. B. Huntley

White Store Township—A. B. Collins, L. Huntley, Jr., John Leonard, Joe Lowery

Ashe County.

Ashe County

Chestnut Hill Township—Carl Blevins

Clifton Township—S. W. James, J. Paul Jones, C. G. Robinson

Creston Township—S. C. Arnold

Elk Township—C. W. Parsons

Grassy Creek Township—A. J. Blevins, W. P. Colvard

Helton Township—D. F. Porter

Horse Creek Township—E. W. Stansberry

Hurricane Township—A. A. Perry

Jefferson Township—W. H. McMillan, W. G. Harrison

Laurel Township—Bruce Graybeal

Old Fields Township—J. W. Duncan, D. V. Waugh

North Fork Township—B. H. Duncan, C. C. Sutherland

Obids Township—H. H. Burgess, Robert Woodie

Pine Swamp Township—A. H. Church

Piney Creek Township—F. L. Barker, Lester Jones

Peak Creek Township—R. L. Austin, L. S. Richardson

Pond Mountain Township—Harley Love

Walnut Hill Township—A. P. Barker

West Jefferson Township—C. O. Parsons, D. M. Pless, A. F. Rose

Avery County.

Avery County

Altamont Township—P. L. Johnson, Keyner Parsons

Banner Elk Township—J. G. Andrews, Frank H. Perry

Beach Mountain Township—A. I. Greene, George Harmon

Cranberry Township—W. W. Pyatte, W. G. Oaks, J. N. Winters, Lucille Winters

Linville Township—Finley Banner, W. S. Bowman, J. D. Braswell, Webb Braswell, Glenn Daniels, Simon Johnson Hughes, Ben Isaac, J. H. Leach, Frank Ray, O. A. Suddrith, Mack Winters

Roaring Creek Township—Horton Cooper, J. G. Hughs, Mack McCoury, McCourey Zellian

Toe River Township—D. Buchanan, Arizona Hughes

Beaufort County

Beaufort County.

Washington Township—J. S. Brooks, Robert Jones, W. T. Stowe

Bertie County

Bertie County.

Colerain Township—George W. Barker, H. Randolph Perry, Lee O. Perry, W. S. Tayloe

Indian Woods Township—None

Merry Hill Township—S. A. Adams

Mitchells Township—G. V. Lassiter, W. G. Slade

Roxobel Township—C. H. Roberson

Snakebite Township—C. D. Bazemore, Henry Dempsey, Clifton Ward

White's Township—W. R. Lawrence

Windsor Township—Lacy M. Early, R. E. McGaw, A. C. Mitchell, L. S. Mizelle, W. S. Pritchard

Woodville Township—C. W. Joyner

Bladen County

Bladen County.

Colly Township—E. E. Cain

Elizabethtown Township—H. C. Brisson

Whites Creek Township—N. G. Daniel

Brunswick County

Brunswick County.

Northwest Township—Leo Meddlin

Lockswoodfolly Township—Eugene Gray, W. R. Holmes

Waccamaw Township—J. W. Stanley

Buncombe County

Buncombe County.

Weaverville Township—Edgar B. Grier

Burke County

Burke County.

Drexel Township—L. B. Bollinger, Harold Miller

Icard Township—D. A. Hutto, H. L. Lee, W. Gray Johnson

Jonas Ridge Township—Mrs. Evelyn Poore, W. M. Shuffler

Lovelady Township—Arthur Talmage Abernathy, O. D. Keever

Lower Creek Township—W. S. Hallyburton

Lower Fork Township—J. R. Chapman

Morganton Township—J. H. Buckley, A. P. Causby, T. Earl Franklin, E. W. Hallyburton, S. W. Hoyle, J. Roy Wacaster, Glenn Walker

Quaker Meadows Township—C. P. Whisnant

Silver Creek Township—Butler Giles, Mrs. Mac Propst Lane, Ralph C. Pollard, E. A. Pruitt

Upper Fork Township—W. A. Cook

Cabarrus County.

Cabarrus County

No. 4 Township—Ira F. Chapman, E. A. Johnson, B. R. Yarborough

Caldwell County.

Caldwell County

Lovelady Township—Boyce A. Smith

Camden County.

Camden County

Court House Township—S. B. Seymour

South Mills Township—J. W. Jones

Carteret County.

Carteret County

Straits Township—Richard Leffers

Caswell County.

Caswell County

Anderson Township—F. B. Goodson, J. M. Hurdle

Dan River Township—Ralph Vernon

Hightowers Township—H. V. Clayton, J. H. Warren, George S. Wilkins

Leasburg Township—W. P. Cook, William P. Gentry

Locust Hill Township—Van W. Daniel

Milton Township—Harvey Barker, H. P. Hunt, W. L. Taylor, Arch Thomas, Clay H. Vernon

Pelham Township—J. C. Gibbs, W. M. Zimmerman

Stoney Creek Township—W. F. Shaw, J. B. Turner

Yanceyville Township—John T. Lyons, H. R. Thompson, J. C. Womack

Catawba County.

Catawba County

Hickory Township—W. L. Clinard, Clyde S. Seaboch, George W. Sherrill, Homer S. Sumter, R. M. Taylor

Newton Township—Banks V. Taylor, R. P. P. Wilkinson

Chatham County.

Chatham County

Albright Township—J. B. Ingle

Gulf Township—W. H. Garner

Matthews Township and county at large—Hal Clark

Cherokee County.

Cherokee County

Beaverdam Township—R. Winfield Martin, John McMillan, J. W. Odell

Murphy Township—O. G. Anderson, R. F. Anderson, G. A. Hembree, G. F. Hendrix, P. H. Leatherwood, A. L. Martin

Shoal Creek Township—C. C. Forrister, Lon Raper

Valleytown Township—B. P. Grant, Sam W. Jones

Chowan County.

Chowan County

Edenton Township—F. W. Hobbs, W. S. Summerell, J. L. Wiggins

Wardville Township—T. L. Ward

Cleveland County

Cleveland County.

No. 5 Township—S. L. Dellinger

No. 6 Township—H. L. Newman, Z. Kistler, A. B. C. DePriest

No. 8 Township—Johnston Bridges

Columbus County

Columbus County.

Cerro Gordo Township—Troy C. Boswell, Harvey Coleman, Joe Hayes, O. W. Williamson

Chadbourn Township—B. V. Cliff, I. C. Duncan, Luther Hammonds, T. S. Lewis

Clarendon Township—Fred McPherson

Clarkton Township—Carson Brown

Delco Township—R. C. Applewhite

Evergreen Township—Tyndall O'Berry

Nakina Township—P. O. Gore, Mrs. Leaman Ward

Whiteville Township—Williard G. Cole

Cumberland County

Cumberland County.

Beaver Dam Township—Mack Horne

Cross Creek Township—R. L. Parish

Currituck County

Currituck County.

Crawford Township—Louis Snowden

Fruitville Township—E. W. Brumley

Dare County

Dare County.

Kinnakeet Township—U. G. O'Neal

Davie County

Davie County.

Calahan Township—N. B. Dyson, W. M. Seaford, C. C. Smoot

Clarksville Township—J. F. Essex, W. R. Ratledge, Robert Smoot

Farmington Township—G. W. Johnson, Sam D. Smith, B. C. Teague

Fulton Township—Jake Grubbs

Jerusalem Township—K. L. Cape, J. B. Hellard, J. W. Turner

Mocksville Township—F. R. Legans, Mrs. M. S. Mathews, W. F. Stonestreet

Shady Grove Township—S. D. Cornatzer, W. T. Myers, Mary T. Robertson

Durham County

Durham County.

Durham Township—J. E. Dickson, Z. A. Rochelle

Duplin County

Duplin County.

Glisson Township—John W. Waters

Edgecombe County.

Edgecombe County

No. 5 Township—J. H. Koonce

No. 10 Township—L. A. Mattox

No. 12 Township—O. J. Nye

Forsyth County.

Forsyth County

Richmond Township—F. L. Kreeger

Franklin County.

Franklin County

Cedar Rock Township—T. W. Boone, C. Haywood Harper, E. D. Parrish

Cypress Creek Township—Arthur Strickland

Dunn Township—B. B. Brantley, N. B. Harris, Melvin O. Lester

Harris Township—M. L. Fowler, Harry Rogers, B. F. Wilder

Hayesville Township—L. O. Frazier

Louisburg Township—J. L. Palmer, E. C. Perry, W. C. Webb

Sandy Creek Township—George Foster, J. L. Foster

Youngsville Township—J. M. Young

Gaston County.

Gaston County

Cherryville Township—George V. Lohr, H. Clay Kiser, L. E. Stroup, S. S. Wacaster

Crowders Mountain Township—Miles L. Rhyne, Edgar A. Wright

Dallas Township—Haywood R. Shuford

Gates County.

Gates County

Gatesville Township—A. L. Lilley

Holly Grove Township—S. E. Riddick

Mentonsville Township—P. D. Hobbs

Reynalson Township—R. C. Cowper

Granville County.

Granville County

Brassfield Township—O. C. Jenkins, E. J. Kearney

Dutchville Township—I. E. Harris, R. G. Stem

Fishing Creek Township—N. C. Brummitt

Oak Hill Township—R. C. Pittard, John S. Watkins

Oxford Township—Jeannette E. Biggs, L. H. Davis

Tallyho Township—Brent Meadows

Walnut Grove Township—L. B. McFarland, Louis Thorp, III, J. L. Williford

Greene County.

Greene County

Hookerton Township—L. H. Stocks, Jr.

Guilford County.

Guilford County

Greene Township—Roy L. Bowman

Washington Township—George Sockwell

Halifax County

Halifax County.

Brinkleyville Township—C. D. Moss, Tracy Qualls

Butterwood Township—C. L. Kelly

Conoconera Township—L. A. Parks

Enfield Township—Joe S. Brown, George R. Ivey

Faucetts Township—C. M. Dickens, M. P. Crawley, R. C. Hedgepeth

Halifax Township—J. G. Butts

Littleton Township—J. W. Harvey

Palmyra Township—D. C. Preast, R. H. White, W. P. White

Roanoke Rapids Township—A. E. Akers, W. O. Thompson, Sam Young

Scotland Neck Township—B. F. Bracy, W. J. Murphey

Weldon Township—Dr. W. A. Carter, D. C. Johnson

Harnett County

Harnett County.

Anderson Creek Township—Ernest Darroch, W. E. Lasater

Averasboro Township—A. B. Adams, G. F. Owen, George W. Williams

Barbecue Township—G. L. Cameron, W. H. Mason

Black River Township—W. R. Broadwell, C. E. Denning

Buckhorn Township—J. Leo Betts, L. B. McKinnie

Duke Township—Fred W. Brown, Clarence Colville, George W. Conard, L. B. McLean

Grove Township—Ralvin McLeod, C. J. Turlington, J. B. Williams

Hector's Creek Township—J. O. Cotten

Jacksonville Township—E. J. Gilchrist

Lillington Township—Edna Kelly, R. B. O'Quinn, J. A. Senter, M. B. Stewart

Neills Creek Township—D. H. Green, Fred D. Jackson

Stewart's Creek Township—B. F. Parker

Upper Little River Township—B. B. Holder, J. S. McLean, Dougald McRae, H. M. O'Quinn, W. H. Salmon, E. W. McLeod

Haywood County

Haywood County.

Canton Township—S. H. Justice, R. R. Mease, W. S. McElrath, W. W. Pless, J. S. Poston

Clyde Township—N. C. West

East Fork Township—Bryan Heatherly

Fines Creek Township—John Fincher

Jonathan Creek Township—John Howell, R. W. Howell

Pigeon Township—Gaston Burnette

Waynesville Township—J. S. Black, W. H. Noland, P. D. Turner

Henderson County.

Henderson County

Hendersonville Township—J. F. Brooks, William I. Kendrick, C. C. Oates, Sr.

Hoopers Creek Township—W. H. Anderson

Hertford County.

Hertford County

Ahoskie Township—J. Stanley Vinson

Harrellsville Township—George E. Myers

Maneys Neck Township—R. C. Brett, E. W. Evans, John C. Taylor

Murfreesboro Township—F. B. Parker, J. J. Parker, R. H. Underwood

St. Johns Township—T. N. Charles, T. E. Futrell, C. T. White

Winton Township—P. S. Jordan, W. L. Daniel

Hoke County.

Hoke County

Raeford Township—Hellen Snow Barrington

Hyde County.

Hyde County

Currituck Township—J. A. Lupton, J. A. Polson

Fairfield Township—D. D. Cutrell

Lake Landing Township—Roy Cox, J. T. Midyette, William Neal

Ocracoke Township—Ike (Big) O'Neal

Swanquarter Township—Archie Baum, Edward C. Cutrell, Fred A. Mason

Iredell County.

Iredell County

Bethany Township—J. P. Ingram

Eagle Mills Township—T. G. Wallace

Fallstown Township—L. W. Hostetler

New Hope Township—G. W. Harris, H. A. Hope, B. F. Williams

Olin Township—S. R. Jurney

Sharpsburg Township—Henry Martin

Statesville Township—B. C. Howard

Turnersburg Township—A. M. Gaither

Union Grove Township—R. F. Rash

Jackson County.

Jackson County

Canada Township—W. T. Rigdon, Milas Galloway

Cullowhee Township—John Phillips

Caney Fork Township—J. C. Shuler, Oscar Lovedahl

Cashiers Township—James C. Monteith, C. G. Rogers

Savannah Township—John C. Jones

Dillsboro Township—M. Y. Jarrett
Greens Creek Township—G. L. Greene
Hamberg Township—Frank Bryson
Mountain Township—Mrs. Pearl Stewart
Qualla Township—J. C. Hayes, R. F. Hall
River Township—Walter Jackson
Scotts Creek Township—G. C. Crawford, George Knight
Sylva Township—Raymond Glenn, John H. Morris, Dan Tompkins

Johnston County. Johnston County

Bentonville Township—E. E. Barfield
Clayton Township—L. T. Rose
Cleveland Township—W. L. Carroll
Micro Township—C. B. Hinnant
O'Neals Township—Marvin Hinton
Smithfield Township—Cora Bell Ives
Wilders Township—Ruffin Richardson, Jr.
Wilson's Mills Township—Harry N. Wilson

Lee County. Lee County

Deep River Township—James F. Bridges
West Sanford Township—K. E. Seymore

Lenoir County. Lenoir County

Institute Township—J. Paul Hill

Lincoln County. Lincoln County

Catawba Springs Township—E. C. McIntosh, J. V. Rhyne
Howards Creek Township—W. O. Houser
Ironton Township—R. S. Keener, D. A. Troutman
Lincolnton Township—J. Robert McNeely, L. E. Rudisell
North Brook Township—Charlie Houser, W. A. Hull, J. C. Martin, George P. Mull

Macon County. Macon County

Cartoogechaye Township—Lester Waldroop
Cowee Township—R. C. Rickman
Flats Township—Earl Dryman
Franklin Township—J. J. Mann, John Moore, Robert L. Stamey
Millshoal Township—J. B. Brendle
Nantahala Township—J. R. Shields, B. A. Baldwin
Smithbridge Township—J. M. Cable

Madison County. Madison County

No. 1 Township—V. C. Fisher, S. C. Rudisill, J. B. Reid, Garrett Metcalf, John Ward, Jr.

No. 2 Township—W. B. Shelton, B. G. Gunter, Leroy Shelton

No. 4 Township—Clyde H. Rice

No. 5 Township—C. N. Willis

No. 6 Township—Porter Graham

No. 7 Township—Straley Ball, Henry Roberts

No. 8 Township—W. C. Coward, Manson Coward

No. 9 Township—Craig Ramsey

No. 10 Township—Odus Chandler

No. 11 Township—Fred Edmonds

No. 14 Township—Frank W. Morgan

No. 15 Township—R. M. Lee

Martin County.

Martin County

Everetts Township—G. B. Riddick

Hamilton Township—G. Alligood, T. F. Respass

Jamesville Township—Leslie W. Hardison

Oak City Township—Joe Ben Whitfield

Robersonville Township—H. S. Everett

Williamston Township—J. L. Hassell, R. T. Johnson, J. S. Ayers, Jr.

McDowell County.

McDowell County

Glenwood Township—Ennis Larving

Higgins Township—C. Rex Wilson

Montfords Cove Township—George Marlowe

Old Fort Township—J. F. Harmon

Mecklenburg County.

Mecklenburg County

Charlotte Township—C. W. Russell

Huntersville Township—E. P. Page

Pineville Township—Jack G. Crump

Mitchell County.

Mitchell County

Bakersville Township—J. C. Burleson, Benton McKinney, Brown McKinney, R. B. Turner, Lane Wilson

Bradshaw Township—Fred Bryant, Janine Hughes

Cane Creek Township—J. L. Morgan

Fork Mountain Township—Dewey Burleson, W. F. Gouge, W. H. Hobson

Grassy Creek Township—Gurney Arrowood, Clyde Pritchard, W. L. McNeill, Clifton Gibbs

Herrell Township—W. D. Ledford, Rexter Street, Jeter Fry

Little Rock Creek Township—Elmer Buchanan, W. F. Greene, Aught Burleson

Poplar Township—Briscoe Peterson, Maynard Peterson

Snow Creek Township—W. B. Buchanan, Moseley Buchanan, W. B. Ellis

Montgomery County

Montgomery County.

Biscoe Township—W. C. Gettel, B. D. Drake

Candor Township—W. Floyd Haywood

Cheeks Creek Township—D. J. Poole

Mount Gilead Township—A. P. Guyer, F. L. Andrews

Ophir Township—N. W. Davis

Troy Township—J. C. Beckwith, R. B. Reynolds

Moore County

Moore County.

Carthage Township—Hugh P. Kelly

New Hanover County

New Hanover County.

Harnett Township—Marvin B. Register

Wilmington Township—Coy Etheridge, Vance Thompson

Northampton County

Northampton County.

Gaston Township—F. A. Brewer, S. D. Hitchen

Jackson Township—J. H. Boone, B. L. Sykes, L. T. Warrick

Kirby Township—J. T. Parker, Otis Ricks, B. J. Ricks, B. D. Stephenson, W. F. Spencer

Pleasant Hill Township—Romie E. Coker

Rich Square Township—R. B. Benthall, W. W. Carter, E. Floyd Outland, Ralph H. Thompson

Roanoke Rapids Township—R. V. Beale, W. F. Nelson

Seaboard Township—Z. L. Davenport, J. G. Long

Pamlico County

Pamlico County.

No. 1 Township—Harvey Dixon

Pender County

Pender County.

Caswell Township—E. G. Bostic

Holly Township—S. A. Lanier, Sr.

Long Creek Township—A. D. Scott

Union Township—J. W. Blanton, Jr.

Person County

Person County.

Allensville Township—Jeff O'Briant

Bushy Fork Township—N. H. Hester

Flat River Township—J. O. Pearce

Holloway Township—S. W. Melton

Mt. Tirzah Township—R. P. Moore

Olive Hill Township—C. E. Winstead, Jr.

Roxboro Township—R. H. Shelton, W. W. Woods, C. C. Garrett

Pitt County

Pitt County.

Ayden Township—J. F. Smith

Belvoir Township—W. A. Dunn

Bethel Township—J. W. Rook

Fountain Township—J. L. Peele
Grifton Township—J. M. Hart

Polk County.

Polk County

Coopers Gap Township—Dennis H. Jackson
Saluda Township—Floyd Holbert, T. G. Miller, Roy L. Ward
Shields Township—William Barnette
Tryon Township—J. B. McKaig
White Oak Township—Fletcher Edwards, Oliver Taylor

Randolph County.

Randolph County

Cedar Grove Township—J. L. Moore, Allen Prevost
Franklinville Township—Ernest C. Routh
Columbia Township—A. M. Staley
Brower Township—Herbert R. Cox
Liberty Township—W. L. Scotten
Tabernacle Township—C. M. Nance

Robeson County.

Robeson County

Fairmont Township—M. S. Griffin, D. R. Mitchell, R. C. Bullock
Lumberton Township—Alfred P. Page, H. M. McAllister, John H. Taylor
Parkton Township—T. B. McNeill
Raft Swamp Township—J. M. Powell
Red Springs Township—Loren Epton, R. A. McConnaughey, Robert W. Owens, Morrison Peterson
Saddle Tree Township—Grady S. Harrell, Charles E. Jones, W. P. Humphrey
St. Pauls Township—Lonnie Carroll, A. B. Johnson
Wisharts Township—W. B. Parnell

Rockingham County.

Rockingham County

Leaksville Township—Robert C. Smith, G. A. Treadway
Madison Township—P. H. Scales, W. P. Staples
New Bethel Township—W. G. Sharp

Rowan County.

Rowan County

Atwell Township—A. L. Deal
China Grove Township—L. J. Brown, A. H. Spry
Gold Hill Township—T. H. Morgan
Salisbury Township—Benton Ludwig, Elizabeth L. Massey

Rutherford County.

Rutherford County

High Shoals Township—Paul M. Cudd
Logan Store Township—O. M. York
Rutherfordton Township—Louis W. Nanney, Gray Padgett

Scotland County

Scotland County.

Stewartsville Township—W. L. Biggs

Stokes County

Stokes County.

Beaver Island Township—W. J. Blackwell, Joe Stultz

Danbury Township—S. P. Caristian

Sauratown Township—Robert Hedgecock, Elkin Smith

Yadkin Township—Golden Baker, John Christian

Surry County

Surry County.

Dobson Township—F. V. Crissman, B. F. Folger, Marvin Wilmoth

Elkin Township—C. W. Young

Mount Airy Township—G. B. Cashwell, Morris W. Monday, M. B. Phillips

Shoals Township—J. A. Allen

Siloam Township—B. E. Whitaker

Swain County

Swain County.

Charleston Township—R. O. Calhoun, Floyd Cunningham, J. Allan Glenn, John H. Welch

Transylvania County

Transylvania County.

Boyd Township—J. F. Lyda, Clarence Orr, C. W. Talley

Brevard Township—M. W. Galloway, J. E. Loftis, Sr., Lynch Moore, E. O. Shipman

Cathey's Creek Township—Harkless Barton, J. R. Mahoney

Dunn's Rock Township—H. B. Glazener, Clifford Raxter

Eastatoe Township—D. L. Glazener, Robert Powell

Gloucester Township—John Robert Brown, Judson Hall, Allen McCall

Hogback Township—Clarence Brown, Frank O. Fisher, Vincent Owen

Little River Township—Robert Jones, Alf McCall

Tyrrell County

Tyrrell County.

Columbia Township—E. P. Cahoon, E. R. Davenport, Spencer T. Thorne

Union County

Union County.

Buford Township—J. S. Broome, A. M. Eubanks, J. E. Starnes

Goose Creek Township—I. C. Clontz, A. E. Little, H. C. Simpson

Jackson Township—J. E. Bigham, F. A. Krauss, Otho F. Plyler, R. D. Sims, W. J. Sims

Lanes Creek Township—E. E. Huggins, B. A. Rushing

Marshville Township—Fred L. Plyler

Monroe Township—R. F. Beasley, Jr., D. S. Griffin, J. Vernon Griffin, H. K. Helms, Charles Sell

New Salem Township—Z. K. Simpson, Fred C. Staton

Vance Township—O. L. Hemby, T. W. Stinson

Vance County.

Vance County

Henderson Township—C. C. Finch, R. N. Gupton, Fred B. Hight, Henry W. Hight, C. P. Lowry, J. M. Mitchell, S. B. Rogers

Kittrell Township—T. T. Ellis, A. B. Pleasants

Middleburg Township—B. S. Parham, A. P. Paschall

Sandy Creek Township—W. J. Bowen

Townsville Township—R. B. Taylor

Watkins Township—R. G. Cawthorne

Warren County.

Warren County

Fishing Creek Township—J. V. Shearin

Judkins Township—H. R. Eason

Nutbush Township—L. O. Reavis

Sandy Creek Township—J. E. Moseley

Warrenton Township—J. C. Moore, Edward Petar, Robert D. Scott

Washington County.

Washington County

Lees Mills Township—W. B. Davenport, Jim Leary, R. W. Lewis

Plymouth Township—J. F. McNair

Scuppernong Township—John A. Combs, F. F. Davenport, Douglass Davenport

Skinnersville Township—Howard M. Ange

Wilkes County.

Wilkes County

Beaver Creek Township—T. W. Ferguson

Boomer Township—Ralph Swanson

Brushy Mountain Township—J. C. Tedder

Elk Township—Mrs. B. H. White

Edwards Township—George W. Smith

Jobs Cabin Township—Coy Church

Lewis Fork Township—Colon Foster

Moravian Falls Township—R. C. Jennings

Mulberry Township—Mrs. Stacy H. Jones

N. Wilkesboro Township—Mansfield Minton, L. B. Pierce, R. A. Waddell

Rock Creek Township—Harrison Felts

Reddies River Township—A. G. Bumgarner, Mrs. Kate Hayes, W. H. Hurley

Somers Township—C. W. Hanes, J. W. Robbins

Traphill Township—D. H. Brown, W. F. Cooper, W. B. Hall, Mrs. Ina Mathis

Union Township—P. E. Dancy, A. R. Miller, Coye Miller

Wilkesboro Township—I. C. Church, C. G. Glass, J. T. Redding, Frances B. Somers

Walnut Grove Township—L. F. Caudill, W. W. Gambill, T. G. Johnson, A. J. Moxley

Yadkin County — Yadkin County.

Boonville Township—Fred J. Snow, Delmer Vestal

East Bend Township—O. H. Davis

Fall Creek Township—E. J. Caudle

Forbush Township—William Dinkins

Knobs Township—J. L. Caudle, Z. B. Martin, Kim Vestal

Liberty Township—George Miller, John Swain

Yancey County — Yancey County.

Brush Creek Township—J. B. Thomas, L. D. Thomas, John P. Woody

Burnsville Township—G. M. Angel, L. E. Briggs, R. D. Peterson

Cane River Township—E. J. Angel, J. E. Edwards, W. M. Hensley, J. W. McAlister, J. M. Wilson

Crabtree Township—Will D. Peterson, R. N. Silver, J. M. Thomas

Egypt Township—H. G. Hensley, O. S. Williams

Green Mountain Township—R. A. Peake, J. C. Turner

Jack's Creek Township—Sam J. Byrd, Carl T. Young

Pensacola Township—Horace D. Ray, Cleophas Robinson, Welzie Riddle

Prices Creek Township—Clyde Ayers, T. H. Phoenix, Grady Robinson

Ramseytown Township—J. Will Higgins, R. E. Holloway

South Toe Township—L. M. Robinson, W. R. Robinson, Ronda Westall

SEC. 2. That this Act shall be in full force and effect from and after the first day of April, 1949. Effective date.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 142 **CHAPTER 723**

AN ACT TO AMEND SECTION 298 OF CHAPTER 105 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE FOR THE DEDUCTION OF MARKETING ADVANCES IN THE DETERMINATION OF TAX VALUES OF AGRICULTURAL PRODUCTS.

The General Assembly of North Carolina do enact:

G. S. 105-298, Machinery Act, amended.

SECTION 1. That Section 298 of Chapter 105 of the General Statutes of North Carolina be and the same is hereby amended, by adding to said Section the following:

Assessment for taxes of farm products held by stabilization and marketing associations.

"(c) For the purpose of ascertaining and fixing the tax value of any cotton, tobacco, or other farm products, held by or for any cooperative stabilization or marketing association or corporation, to whom the products have been delivered or conveyed or assigned by the original producer for the purpose of sale, there shall be deducted (by any person or corporation liable for the tax thereon) from the determined value of the commodity the amount of any unpaid loan or loans and/or advance or advances of any nature whatsoever made or granted thereon by the United States Government or by any agency of the United States Government or by any cooperative stabilization or marketing association or corporation."

Existing statutes in conflict herewith amended.

SEC. 2. The foregoing Subsection (c) shall amend all existing statutes, wherever found, which shall in any way be in conflict with or at variance with the provisions of this Section.

Partial invalidity section.

SEC. 3. If any portion of Sub-paragraph (c) set forth in Section 1 of this Act shall be declared by a court of competent jurisdiction to be unconstitutional for any reason whatever, then the remaining and separable portions of said Section (c) shall be and remain in full force and effect.

Application of Act.

SEC. 4. This Act shall apply to taxes to be listed as of January 1, 1949 and subsequent years.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 583 **CHAPTER 724**

AN ACT TO AMEND G. S. 33-31.1, RELATING TO SALES OF REAL ESTATE BY GUARDIANS.

The General Assembly of North Carolina do enact:

G. S. 33-31.1, sale of ward's estate in county in which guardian does not reside, amended.

SECTION 1. G. S. 33-31.1, as the same is set out in the 1947 Supplement to the General Statutes, is hereby amended by striking out the period, and inserting a comma in lieu thereof, in line 14 at the end of the first sentence, and adding the following words; "or that the interest of his ward would be materially promoted thereby."

SEC. 2. G. S. 33-31.1 is hereby further amended by inserting the following words after the word "necessary" and before the word "and" in line 18: "or would materially promote the interest of the ward,".

Section further amended to require approval of Clerk's findings by resident or presiding Judge.

SEC. 3. G. S. 33-31.1 is hereby further amended by adding the following sentence at the end of said Section. "Before such findings and orders shall become effective the same shall be approved by the judge holding the courts of the district or by the resident judge."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 600 **CHAPTER 725**

AN ACT TO REWRITE ARTICLE 31 OF CHAPTER 106 OF THE GENERAL STATUTES OF NORTH CAROLINA, THE SAME BEING "THE NORTH CAROLINA SEED LAW."

The General Assembly of North Carolina do enact:

Ch. 106, Art. 31, rewritten.

SECTION 1. Article 31 of Chapter 106 of the General Statutes of North Carolina, the same being "The North Carolina Seed Law," is hereby rewritten to read as follows:

Article 31. North Carolina Seed Law.

"Article 31. North Carolina Seed Law.

Short title.

"Sec. 106-277. Short title. This Article shall be known by the short title of 'The North Carolina Seed Law.'

Construction to conform with Federal Act.

"SEC. 106-278. Construction to conform with Federal Act. This Article and the terms used therein shall be construed so as to conform in so far as possible with the construction placed

upon the Federal Seed Act and regulations issued thereunder, and to effectuate its purpose to make uniform the seed laws of the states.

Article administered by Commissioner of Agriculture.

"SEC. 106-279. Administered by commissioner. This Article shall be administered by the Commissioner of Agriculture of the State of North Carolina hereinafter referred to as the 'Commissioner.'

Definitions.

"SEC. 106-280. Definitions. When used in this Article:

"Person."

"a. The term 'person' includes a person, firm, partnership, corporation, company, society, association, trustee, agency, or receiver.

"Agricultural seeds."

"b. The term 'agricultural seeds' shall include the seeds of grass, forage, cereal, fiber, cover crops and any other kinds of seed commonly recognized within this State as agricultural or field seeds, and mixtures of such seeds.

"Vegetable seeds."

"c. The term 'vegetable seeds' shall include the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds in this State.

"Lot of seed."

"d. The term 'lot of seed' means a definite quantity of seeds identified by a lot number, or mark, every portion or bag of which is uniform, for the factors which appear in the labeling, within permitted tolerances.

"Kind."

"e. The term 'kind' means one or more related species or subspecies which singly or collectively is known by one common name; e. g., corn, wheat, lespedeza.

"Variety."

"f. The term 'variety' means a subdivision of a kind characterized by growth, plant, fruit, seed or other characteristics by which it can be differentiated from other sorts of the same kind; e. g., Dixie 17 Hybrid Corn, Redhart Wheat, Kobe Lespedeza.

"Pure seed."

"g. The term 'pure seed' shall include all seeds of the kind or kind and variety under consideration, whether shriveled, cracked, or otherwise injured, and pieces of broken seeds larger than one-half the original size.

"Inert matter."

"h. The term 'inert matter' shall include broken seeds when one-half in size or less; seeds of legumes or crucifers with the seed coats removed; undeveloped and badly injured weed seeds such as sterile dodder which, upon visual examination, are clearly incapable of growth; empty glumes of grasses; attached sterile glumes of grasses (which must be removed from the fertile glumes except in Rhodes grass); dirt, stone, chaff, nematode, fungus bodies and any matter other than seeds.

"i. The term 'other crop seed' shall include all seeds of plants grown in this State as crops, other than the kind or kind and variety included in the pure seed, when not more than five per cent (5%) of the whole of a single kind or variety is present, unless designated as weed seeds. "Other crop seed."

"j. The term 'weed seeds' shall include the seeds of all plants generally recognized within this State as weeds and shall include noxious weed seeds. "Weed seeds."

"k. Noxious weed seeds are seeds disseminated in seed subject to this Article and shall be divided into two classes, 'prohibited noxious weed seeds' and 'restricted noxious weed seeds,' defined as follows:

"(1) 'Prohibited noxious weed seeds' are the seeds of perennial weeds which not only reproduce by seed, but also spread by underground roots or stems and which, when established, are highly destructive and are not controlled in this State by cultural practices commonly used. "Prohibited noxious weed seeds."

"(2) 'Restricted noxious weed seeds' are the seeds of such weeds as are very objectionable in fields, lawns, or gardens of this State, and are difficult to control by cultural practices commonly used. "Restricted noxious weed seeds."

"l. The term 'germination' means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions. "Germination."

"m. The term 'hard seeds' means the percentage of seeds which, because of hardness or impermeability do not absorb moisture or germinate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned. "Hard seeds."

"n. The term 'mixture' means seeds consisting of more than one kind or variety, each present in excess of five per cent (5%) of the whole. "Mixture."

"o. The term 'labeling' includes all labels, or tags, and other written, printed, or graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices. "Labeling."

"p. The term 'advertisement' means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this Article. "Advertisement."

"q. The term 'processing' means cleaning, scarifying, or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without "Processing."

cleaning, or the preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.

"Certified seed," "registered seed," and "foundation seed."

"r. The terms 'certified seed', and 'registered seed' and 'foundation seed', mean seed that has been produced and labeled in accordance with the procedure and in compliance with the rules and regulations of an officially recognized seed certifying agency or association of agencies which have previously been approved by the commissioner.

"Hybrid seed corn."

"s. The term 'hybrid seed corn' as applied to field corn, sweet corn, or popcorn means the first generation seed of a cross produced by controlling the pollination, and by combining two, three, or four inbred lines, or by combining one inbred line or a single cross with an open pollinated variety: *Provided* the Board of Agriculture may in its discretion and upon recommendation of the Director of the Agricultural Experiment Station, based upon results of the official variety tests, redefine 'hybrid seed corn'." Hybrid designations shall be treated as variety names.

"Grower."

"t. The term 'grower' shall mean any person who produces seed sold, offered, or exposed for sale directly as a landlord, tenant, sharecropper, or lessee.

"Dealer."

"u. The term 'dealer' shall mean any person not classified as a 'grower'; buying, selling or offering for sale any seed for seeding purposes, and shall include any person who has seed grown under contract for resale for seeding purposes.

"North Carolina seed analysis tag."

"v. The term 'North Carolina seed analysis tag' shall mean the tag designed and prescribed by the commissioner as the official North Carolina seed analysis tag, said tag to be purchased from the commissioner.

"Non-coded."

"w. The term 'non-coded' shall mean that the pedigree of the hybrid shall show the same designation for the hybrid as that originally assigned by the person developing the hybrid at the time it is first put in official test, production, or sale and each inbred line used in producing the hybrid shall show the same designation as that used when it was first used in a hybrid which was put into official test, production, or sale.

Tag and label requirements.

"SEC. 106-281. Tag and label requirements. Each container of agricultural or vegetable seed, sold, offered for sale, or exposed for sale within this State for seeding purposes, shall have attached thereto a North Carolina seed analysis tag or label on which is plainly written or printed the following information:

Information required on tags for agricultural seeds.

"a. For Agricultural Seeds:

"(1) Commonly accepted name of kind and variety of each agricultural seed component in excess of five per cent (5%) of

the whole and the percentage by weight of each, in the order of its predominance.

"(a) Where more than one component is required to be named, the word 'mixture' or 'mixed' shall be included in the name on the label.

"(b) Hybrid seed corn shall be labeled with the name and/or number by which the hybrid is commonly designated.

"(2) Lot number or other identification.

"(3) Origin, if known; if unknown, so stated.

"(4) Percentage by weight of inert matter.

"(5) Percentage by weight of other crop seeds.

"(6) Percentage by weight of all weed seeds.

"(7) The name and number per pound of each kind of 'restricted' noxious weed seeds.

"(8) For each named agricultural seed the:

"(a) Percentage of germination exclusive of hard seeds.

"(b) Percentage of hard seeds, if present.

"(c) Calendar month and year the test was completed to determine such percentages.

"(9) Name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State.

"b. For Vegetable Seeds:

Information required on tags for vegetable seeds.

"(1) Name of kind and variety of seed.

"(2) Origin of snap beans; if unknown so stated.

"(3) Percent of germination with month and year of test.

"(4) For seeds which germinate less than the standards last established by the Commissioner and Board of Agriculture under this Article the following information shall be shown on the label:

"(a) The words 'Below Standard' in not less than eight-point type.

"(b) Percentage of germination exclusive of hard seed.

"(c) Percentage of hard seed, if present.

"(d) The month and year of test.

"(5) The name and address of person who labeled said seed or who sells, offers, or exposes said seed for sale.

Exemptions.

"c. Exemptions:

Label requirements for peanuts, cotton and tobacco seed.

"(1) The label requirements for peanuts, cotton and tobacco seed shall be limited to:

"(a) Lot number or other identification.

"(b) Origin, if known; if unknown, so stated.

"(c) Commonly accepted name of kind and variety.

"(d) Percentage of germination with month and year of test.

"(e) Name and address of person who labeled said seed or who sells, offers, or exposes said seed for sale.

Label requirement as to "origin" of snap beans.

"(2) The label requirement as to the 'origin' of snap beans shall not apply to seed in containers weighing less than ten (10) pounds.

Label requirment as to "germintion" of vegetable seeds.

"(3) The label requirement as to the 'germination' of vegetable seeds, when equal to or exceeding the standards last adopted by the Commissioner and Board of Agriculture under this Article, shall not apply to seed in containers weighing less than ten (10) pounds.

Tag and label requirements deemed complied with in certain cases.

"(4) When the required analysis and other information regarding the seed is present on a seedman's label or tag, accompanied by the North Carolina seed analysis tag on which is written, stamped or printed the words 'Seed Attached Tag for Seed Analysis,' the provisions of Section 106-281 shall be deemed to have been complied with.

Tags not required for seeds sold directly to purchaser from properly labeled bag.

"(5) No tag or label shall be required, unless requested, on seeds sold directly to, and in the presence of, the purchaser and taken from a bag or container properly labeled in accordance with the provisions of Section 106-281.

Tag of N. C. Crop Improvement Association considered official seed analysis tag.

"(6) The official tag or label of the North Carolina Crop Improvement Association shall be considered an 'official North Carolina seed analysis tag' when it provides information in compliance with Section 106-281, and when attached to containers of seed duly certified by the said association, and when fees applicable to said tag have been paid to the commissioner.

Exemption from penalty for incorrect labeling.

"(7) No person shall be subject to the penalties of this Article for having sold, offered, or exposed for sale in this State any agricultural or vegetable seeds which were incorrectly labeled or represented as to origin, kind and variety, when such seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration giving origin, kind and variety, and to take such other precautions as may be necessary to insure the identity to be that stated.

Invoices and records.

"SEC. 106-282. Invoices and records. Each person handling agricultural seed subject to this Article shall keep for a period

of two years complete records of each lot of agricultural and vegetable seed handled. When there is evidence of a violation of this Article, invoices, records of purchases and sales, and any other records pertaining to the lot or lots involved shall be accessible for inspection by the commissioner or his authorized agent in connection with the administration of this Article at any time during customary business hours.

"SEC. 106-283. Prohibitions. It shall be unlawful: Prohibited acts.

"a. For any person within this State to sell, offer, or expose for sale any agricultural or vegetable seed for seeding purposes: Certain sales of seed for seeding purposes.

"(1) Unless a license has been obtained in accordance with the provisions of this Article. Sale without license.

"(2) Unless the test to determine the percentage of germination shall have been completed within a nine-month period, exclusive of the calendar month in which the test was completed, prior to sale or exposure for sale or offering for sale or transportation. Sale prohibited unless germination test completed within nine-month period.

"(3) Not labeled in accordance with the provisions of Section 106-281, or having a false or misleading label, or having seed analysis tags attached to the containers of seed bearing thereon a liability or non-warranty clause: *Provided,* that the provisions of Section 106-281 shall not apply to seed being sold by a grower to a dealer, or to seed consigned to or in storage in a seed cleaning or processing establishment for cleaning or processing: *Provided, further,* that any labeling or other representation which may be made with respect to the unclean seed shall be subject to this Article. Improper, false or misleading labels, etc.

"(4) Containing prohibited noxious weed seeds, subject to tolerances and method of determination prescribed in the rules and regulations under this Article. Sale of seed containing prohibited noxious weed seeds.

"(5) Seed that have been treated with poisonous material unless the label on such seed is plainly marked, in not less than eight-point type with the information that they have been 'Poison Treated.' Sale of seed treated with poisonous material.

"b. For any person within this State:

"(1) To detach, substitute, imitate, alter, deface or destroy any label provided for in this Article, or in the rules and regulations made and promulgated thereunder, or to alter or substitute seed in a manner that may defeat the purpose of this Article. Detachment, alteration, etc., of labels. Alteration or substitution of seed.

"(2) To disseminate any false or misleading advertisement concerning agricultural or vegetable seed in any manner or by any means. Dissemination of false or misleading advertisement.

Obstruction of person administering Act.

"(3) To hinder or obstruct in any way a duly authorized person in the performance of his duties under this Article.

Failure to comply with official orders, etc.

"(4) To fail to comply with a written order of the commissioner or his authorized agent to withdraw from sale, or to move, or allow to be moved without written permission of the commissioner or his authorized agent, any seed ordered removed from sale not complying with the requirements of this Article.

Sale of certain seeds unless properly produced and labeled.

"(5) To sell, offer, or expose for sale any seed labeled 'Foundation Seed', 'Registered Seed', or 'Certified Seed' unless it has been produced and labeled in compliance with the rules and regulations of a seed certifying agency approved by the commissioner.

Sale of hybrid seed corn that has not been recorded.

"(6) To sell, offer, or expose for sale any hybrid seed corn that has not been recorded annually with the commissioner, giving the true, non-coded pedigree of the hybrid and the name of the person who developed each inbred line involved in the cross.

Disclaimers and nonwarranties.

"SEC. 106-284. Disclaimers and nonwarranties. The use of a disclaimer or nonwarranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter, pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution, or in any proceeding for confiscation of seeds, brought under the provisions of this Article, or the rules and regulations made and promulgated thereunder.

Administration of Article.

"SEC. 106-284.1. Administration. For the purpose of carrying out the provisions of this Article, it shall be the duty of the commissioner or his authorized agents and they are hereby authorized:

Inspection, analysis, etc., of seeds.

"A. To sample, inspect, make analysis of, and test agricultural and vegetable seeds transported, sold, offered, or exposed for sale within this State for seeding purposes, at such time and place and to such extent as he may deem necessary to determine whether said agricultural or vegetable seeds are in compliance with the provisions of this Article and the rules and regulations made and promulgated thereunder, and to notify promptly the person who transported, sold, or offered or exposed seed for sale, of any violation.

Adoption of rules and regulations to enforce provisions of Act.

"B. The Commissioner of Agriculture jointly with the Board of Agriculture, after public hearing immediately following ten (10) days public notice may adopt such rules, regulations and standards which they may find to be advisable or necessary to carry out and enforce the purposes and provisions of this Act, which shall have the full force and effect of law. The Commissioner and Board of Agriculture shall adopt rules, regulations and standards as follows:

Rules, regulations, etc., enumerated.

"(1) Prescribing the methods of sampling, inspecting, analyzing, testing and examining agricultural and vegetable seed, and determining the tolerances to be followed in the administration of this Article. Methods of sampling, etc., of seeds.

"(2) Declaring a list of prohibited and restricted noxious weeds, conforming with the definitions stated in this Article, and to add to or subtract therefrom, from time to time, after a public hearing following due public notice. Declaration of prohibited and restricted noxious weeds.

"(3) Declaring the maximum percentage of total weed seed content permitted in agricultural seed. Declaration of maximum percentage of total weed seed content.

"(4) Declaring the maximum number of 'restricted' noxious weed seeds per pound of agricultural seed permitted to be sold, offered or exposed for sale, and to define 'low grade seed.' Declaration of maximum number of "restricted" noxious weed seeds.

"(5) Declaring the minimum percentage of germination permitted sale for 'agricultural seeds'. Declaration of minimum percentage of germination.

"(6) Declaring 'Germination Standards' for vegetable seeds. Germination Standards.

"(7) Declaring 'North Carolina Grade Standards' for agricultural seed. North Carolina Grade Standards.

"(8) Prescribing the form and use of tags to be used in labeling seed. Form and use of tags.

"(9) Prescribing standards for moisture content of seeds. Standards for moisture content of seeds.

"(10) Prescribing such other rules and regulations as may be necessary to secure the efficient enforcement of this Article. Other rules and regulations.

"C. To enter upon any public or private premises during business hours in order to have access to seeds and to obtain such information and records as may be deemed necessary to enforce the provisions of this Article and the rules and regulations promulgated thereunder. Authority to enter upon public and private premises.

"D. To issue and enforce a written or printed 'Stop Sale' order to the owner or custodian of any lot of agricultural or vegetable seed which the commissioner or his authorized agent finds in violation of any of the provisions of this Article or the rules and regulations made and promulgated thereunder, which order shall prohibit further sale or movement of such seed until such officer has evidence that the law has been complied with, or the seed otherwise legally disposed of, and a written release has been issued to owner or custodian of said seed. However, any person repeatedly violating the labeling requirements of the law shall be subject to a penalty covering all costs and expenses incurred in connection with the withdrawal from sale and the release of said seed: *Provided,* that in respect to seeds which have been denied sale as provided in this paragraph, the owner or custodian of such seed shall have the right to appeal from such order to a court of competent jurisdiction in the locality Issuance of "Stop Sale" orders. Penalty for repeatedly violating labeling requirements. Right of appeal from "Stop Sale" order.

in which the seeds are found, praying for a judgment as to the justification of said order and for the discharge of such seed from the order prohibiting the sale in accordance with the findings of the court: And *provided, further*, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other Sections of this Article.

Provisions not construed as limiting rights of enforcement officer under other sections of Act.

Revocation of or refusal to issue seed license for violations.

"E. To revoke any seed license or to refuse to issue a seed license to any person after such person has been given a hearing by the commissioner, notice of which hearing shall be given by registered mail at least ten (10) days before the date of such hearing, upon the Commissioner of Agriculture finding that such person has violated any of the provisions of this Article or any rule or regulation adopted pursuant thereto: *Provided, however,* if the license of such person is revoked or refused he may appeal to the Superior Court within ten (10) days after the revocation or refusal of such license. Notice of such appeal shall be given to the commissioner within said ten (10) days whose duty shall be to immediately cause a transcript of the evidence and pertinent documents of the proceedings to be filed with the Clerk of the Superior Court for Wake County, and the hearing in the Superior Court shall be before the presiding judge and the cause may not be heard de novo but upon the record filed with the clerk by the Commissioner of Agriculture.

Right of appeal to Superior Court from such revocation or refusal.

Notice of appeal to Commissioner; evidence and documents filed with Clerk of Court.

Hearing.

Establishment and maintenance of State Seed Laboratory.

"F. To establish and maintain a 'State Seed Laboratory' with adequate facilities and qualified personnel for such inspection, sampling and testing as may be necessary for the efficient enforcement of this Article.

Provision for purity and germination tests of seeds.

"G. To make or provide for making purity and germination tests of seeds, upon request, for farmers or seedmen, and to prescribe rules and regulations governing such testing.

Recording of hybrid seed corn.

"H. To accept for purposes of recording annually the hybrid seed corn which has been tested or approved the previous year in the official variety tests of the North Carolina Agricultural Experiment Station in the section or sections of the State where it is to be offered for sale. The commissioner, by and with the advice of the Director of the North Carolina Agricultural Experiment Station, shall refuse to accept for recording any hybrid corn seed which has been shown to be inferior, or which has not been tested, or is mislabeled with respect to genetic identity or has not been approved by the North Carolina Agricultural Experiment Station from the results of the official variety tests.

Publication of findings of State Seed Laboratory.

"I. To publish or cause to be published at intervals information covering the findings of the State Seed Laboratory.

Cooperation with U. S. Dept. of Agriculture.

"J. To cooperate with the United States Department of Agriculture in seed law enforcement.

"SEC. 106-284.2. Seizure. If the Commissioner of Agriculture has reason to believe that any agriculture or vegetable seeds fail to comply with the provisions of this Act, he may apply for a writ of seizure to any court of competent jurisdiction in the county in which such seed is located. If the trial judge finds, after having heard the contentions of both the commissioner and the person claiming title to such seed, that such seed does not meet the requirements of this Article or rules and regulations adopted pursuant thereto, may order the condemnation of such seed and require it to be disposed of in any manner consistent with the quality of the seed and the laws of the State.

Application by Commissioner for writ of seizure.

Condemnation of seed upon finding that requirements of Article have not been met.

"SEC. 106-284.3. Funds for expenses; licensing; seed analysis tags; inspection stamps. For the purpose of providing a fund to defray the expenses of the inspection, examination, analysis of seeds and enforcement of the provisions of this Article:

Funds for expenses.

"A. Each seed dealer selling, offering, or exposing for sale in this State, any agricultural or vegetable seed for seeding purposes, shall purchase from the commissioner for two cents each, official North Carolina seed analysis tags and shall attach a tag to each container holding ten pounds or more of seed.

Seed analysis tags.

"B. Each seed dealer selling, offering, or exposing for sale in, or exporting from, this State, any agricultural or vegetable seeds, other than packet or package seeds, for seeding purposes, shall register with the commissioner his name and shall obtain a license annually on January 1st of each year, and shall pay for such license as follows:

Licenses.

"(1) Twenty-five dollars ($25.00), if a wholesaler, or a wholesaler and retailer.

Wholesale license.

"(2) Ten dollars ($10.00), if a retailer with sale in excess of one hundred dollars ($100.00), for the calendar year. Each branch of any wholesaler or retailer shall be required to obtain a retail license.

Retail license.

"(3) One dollar ($1.00), if a retailer at a permanent location with sales not in excess of one hundred dollars ($100.00): *Provided,* that if and when the seed sales for the calendar year shall exceed one hundred dollars ($100.00), application must be made for a ten dollar ($10.00) license, credit to be given for the one dollar ($1.00) license previously secured.

"C. A one dollar ($1.00) inspection stamp shall be purchased from the commissioner for each seventy-two (72) dozen packets or packages of vegetable or flower seeds, or fraction thereof. The said stamp shall be secured by the producer, grower, jobber or other person, firm or corporation shipping such seed into the State before shipment to agent or retailer, and shall be furnished to said agent or retailer for attachment to display case: *Provided, also,* that any producer, grower, jobber or other person, firm, or corporation, residing within this State shall secure said stamp

Inspection stamps.

before furnishing any such seed to any agent or retailer within the State for resale. The said agent or retailer is made responsible for obtaining said stamp which shall be attached to the display case before the seed are offered or exposed for sale, and shall expire at the end of the calendar year for which issued: *Provided, further* that in cases where package seed of one kind or variety are offered or exposed for sale in boxes or display cases not in excess of six (6) dozen packages, a ten cent (10c) stamp shall be purchased from the commissioner and attached to said box or display case.

Exemption.

"D. No owner or operator of any harvester or threshing machine operating on a share basis and selling only the seed obtained in this manner shall come under the provisions of Section 106-284.3.

Violation of provisions of Act made misdemeanor.

"SEC. 106-284.4. Violations and prosecutions. Any person, firm or corporation violating any provision of this Article or any rule or regulation adopted pursuant thereto shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than five hundred dollars ($500.00) or imprisoned for not more than six (6) months, or both.

Notice of violation.

"When the Commissioner of Agriculture finds that this Article or the rules and regulations thereunder have been violated, as shown by tests, examination or analysis, he shall give notice to the person charged with violating this Article, designating a

Hearing.

time and place for a hearing. The person involved shall have the right to introduce evidence either in person or by agent or attorney. If after said hearing, or without a hearing in case said person fails or refuses to appear, the commissioner decides

Proceedings for prosecution.

that the evidence warrants prosecution, he, or his duly authorized agent or agents, may institute proceedings in a court of competent jurisdiction against such person. The sworn statement of the analyst shall be admitted as evidence in any court of this State in any proceeding instituted under this Article, but upon motion of the accused, such analyst shall be required to appear as a witness and be subject to cross-examination.

Disposition of seed withdrawn from sale.

"When the provisions of this Article have been fully complied with regarding any seeds which have been withdrawn from sale or have been ordered by the commissioner to be disposed of for other than seeding purposes, the commissioner, in his discretion, in writing may release the same for sale upon the payment of all costs and expenses incurred by the Department of Agriculture in any proceeding connected with such withdrawal."

Partial invalidity section.

SEC. 2. If any clause, provision or Section of this Act is held invalid, the remaining Sections and provisions shall not be affected thereby.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 609 CHAPTER 726

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF MOREHEAD CITY, IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Morehead City, territorial limits declared bird sanctuary.

SECTION 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the City of Morehead City, in Carteret County, shall be a bird sanctuary.

Unlawful to kill or trap birds within territorial limits.

Violations made misdemeanor.

SEC. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 745 CHAPTER 727

AN ACT TO REGULATE THE HUNTING OF FOX IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Yancey, County, regulation of fox hunting.

SECTION 1. It shall be lawful for any person to hunt and trap grey fox in Yancey County at any time during the year.

SEC. 2. The hunting and trapping of red fox shall be governed by the law now in effect in Yancey County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 770 CHAPTER 728

AN ACT TO AMEND SECTION 118-7 OF THE GENERAL STATUTES OF NORTH CAROLINA, 1943, RELATING TO THE DISBURSEMENT OF FIREMEN'S RELIEF FUNDS IN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

G. S. 118-7, disbursement of firemen's relief fund, amended.

SECTION 1. That Section 118-7 of the General Statutes of North Carolina, 1943, is hereby amended by adding at the end thereof the following:

Purchase of group life insurance on members of fire department.

Payment of premiums.

"5. To provide for the purchase of group life insurance on the members of the fire department, including both active and retired members of said fire department, and to pay the premiums thereon, thereby providing proceeds of life insurance on said members in the event of death, whether caused by loss of life in the fire service or by natural causes, accident or disease."

Prior purchases ratified.

SEC. 2. That the purchase of such life insurance by said trustees heretofore made is in all respects ratified, confirmed and approved.

Act applicable only to Mecklenburg County and City of Charlotte.

SEC. 3. That this Act shall apply only to the City of Charlotte and Mecklenburg County.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 772 CHAPTER 729

AN ACT TO AMEND GENERAL STATUTES 7-134 RELATING TO FEES OF JUSTICES OF THE PEACE, AS IT APPLIES TO CERTAIN FEES OF JUSTICES OF THE PEACE IN POLK COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-134, amended.

SECTION 1. G. S. 7-134 is hereby amended by adding the following at the end thereof:

Polk County, fees of Justices of the Peace.

Notwithstanding any other provisions of this Section, Justices of the Peace in Polk County shall receive the following fees in the following instances:

In criminal actions.

(a) In criminal actions:

Issuing warrant, including affidavit	$1.25
Judgment, uncontested	1.00

Trial and judgment (contested)	$2.00
Issuing capias	.60
Making bond	.50
Commitment to jail (failure to make bond)	.50
Each continuance, on request or by motion	.40
Removal, before another magistrate	.50

(b) In civil actions: In civil actions.

Issuing summons, one defendant	.75
Each additional defendant	.35
Judgment, uncontested	.85
Trial and judgment (contested)	1.50
Making bond	.50
Each continuance, on request or by motion	.40
Removal, before another magistrate	.50

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 780 CHAPTER 730

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES OF THE STATE TO RELIEVE THE TAX COLLECTOR, SHERIFF, OR OTHER OFFICERS CHARGED WITH THE DUTY OF COLLECTING TAXES, OF THE CHARGE OF ALL INSOLVENT TAXES WHICH ARE FIVE YEARS OR MORE DELINQUENT.

The General Assembly of North Carolina do enact:

SECTION 1. The county commissioners of the several counties of the State of North Carolina are hereby authorized and empowered in their discretion to relieve the tax collector, sheriff, or other officer charged with the collection of taxes of and from the charges of all insolvent taxes, five years or more delinquent, when it appears to the satisfaction of the board of commissioners of any county that said taxes are uncollectible. County commissioners authorized to relieve tax collector, etc., of charge of certain uncollected taxes.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 781 CHAPTER 731

AN ACT RELATING TO THE EXHIBITION OF WILD GAME IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Wake County, regulation of exhibition of wild game.

SECTION 1. It shall be unlawful for any person to keep any wild animal or wild bird in captivity for public exhibition in Wake County in connection with any business and for the purpose of attracting trade upon any street or highway, or upon lands, public or private, in the vicinity of any commercial establishment, or to have any wild animal or wild bird in his custody for such purpose. *Provided,* that no provision of this Section shall be construed to apply to the exhibition of any wild animal or wild bird by any educational institution, public agency, or in a zoological garden or in connection with any theatrical exhibition. Any person violating this provision shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

Violations made misdemeanor.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 814 CHAPTER 732

AN ACT TO VALIDATE TAX LEVIES AND TAX SALES OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Bertie County, listing of taxes and tax levies, 1946, 1947 and 1948 validated.

SECTION 1. That all acts and things done by the Board of County Commissioners of Bertie County or done by direction of said board of county commissioners in listing property for taxes and in levying taxes for the years 1946, 1947 and 1948 are hereby in all respects ratified and validated.

Tax sales for 1946 and 1947 validated.

SEC. 2. That the advertisements and sales of lands for failure to pay taxes to Bertie County and all acts and things done by the Board of County Commissioners of Bertie County or by the Tax Collector of Bertie County relating to the advertisements and sales of lands for failure to pay taxes to Bertie County due for the years 1946 and 1947 are hereby in all respects ratified and validated.

Pending litigation unaffected.

SEC. 3. This Act shall not affect pending litigation.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 828 CHAPTER 733

AN ACT TO FIX CERTAIN RECORDING FEES OF THE REGISTER OF DEEDS AND OF THE CLERK OF SUPERIOR COURT FOR McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Register of Deeds of McDowell County shall charge fees for recording, indexing and cross-indexing various instruments, as follows: McDowell County, fees of Register of Deeds.

For chattel mortgages, conditional sales contracts and crop liens, the sum of fifty cents (50c) for each page; for deeds, leases, contracts, or any other instruments with the exception of chattel mortgages, conditional sales contracts, crop liens, mortgages, and deeds of trust, the sum of one dollar and twenty-five cents ($1.25) for the first three pages and fifty cents (50c) for each additional page; for mortgages and deeds of trust, one dollar and fifty cents ($1.50) for the first four pages and fifty cents (50c) for each additional page.

SEC. 2. The Clerk of Superior Court of McDowell County shall charge fees for recording all wills, special proceedings, and all other instruments including judgments, orders, and decrees, the sum of fifty cents (50c) per page. Fees of Clerk of Superior Court.

SEC. 3. A page referred to in this Act shall include a photostatic or photographic page, or a fraction thereof. "Page" defined.

SEC. 4. This Act shall apply only to McDowell County. Application of Act.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 847 **CHAPTER 734**

AN ACT AMENDING CHAPTER 926 OF THE 1947 SESSION LAWS OF NORTH CAROLINA ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Ch. 926, Session Laws, 1947, as to Firemen's Retirement System of Charlotte, amended.

SECTION 1. That Chapter 926 of the 1947 Session Laws of North Carolina be, and the same is hereby, amended by striking out in its entirety Section 6 (a) (3) and substituting in lieu thereof the following:

Computation of retirement benefits.

"(3) Retirement benefits shall be equal to one half or fifty per centum of the pay which was approved to be paid such retired firemen, whether received by such firemen or not, averaged over the last three years of such employment at the time of his retirement. Adjusted payments hereunder shall be made to those firemen who have heretofore retired as though they had retired under this Act as herein amended."

Chapter further amended.

SEC. 2. That Chapter 926 of the 1947 Session Laws of North Carolina be further amended by adding at the end of Section 6 thereof, a new Subsection reading as follows:

Payment of refund upon death of retired member.

"(d) Refund to deceased retired members. In the event of the death of any member after retirement and before such member has received retirement payments equaling his contribution to the Retirement System, an amount equal to the difference between such member's contribution to the system and what he received as retirement pay, shall be paid to such member's widow. If such member leaves no widow surviving, to such member's children, per stirpes equally; and, in the event such deceased member leaves him surviving no wife or children, said amount shall be paid to his estate."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 862 CHAPTER 735

AN ACT TO AMEND GENERAL STATUTES 105-422 RELATING TO THE BARRING OF TAX LIENS SO AS TO MAKE THE SAME APPLICABLE TO ROWAN COUNTY.

The General Assembly of North Carolina do enact:

G. S. 105-422, barring tax liens for certain years, amended to apply to Rowan County.

SECTION 1. That General Statutes 105-422 be amended by striking out the word "Rowan" in the list of counties at the end of said Section so as to make its provisions applicable to Rowan County: *Provided,* that as to tax foreclosure actions which, under existing laws are not and will not be barred prior to June 30, 1950, foreclosure actions may be instituted thereon in Rowan County at any time prior to June 30, 1950.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 868 CHAPTER 736

AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS OF THE TOWN OF ANGIER IN HARNETT COUNTY FOR THE ISSUANCE OF STREET IMPROVEMENT BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Angier, proceedings for issuance of street improvement bonds validated.

SECTION 1. That all Acts and proceedings, including the election proceedings, heretofore taken for the issuance of fifty thousand dollars ($50,000.00) Street Improvement Bonds of the Town of Angier, in Harnett County, North Carolina, which bonds were authorized by an ordinance approved by the vote of a majority of the qualified voters of said town voting at an election held on September 21, 1948, are hereby ratified and validated, and that the governing body of said town is hereby authorized and empowered to issue all or any part of said bonds, at one time or from time to time, and to borrow money in anticipation of the receipt of the proceeds of the sale of all or any of said bonds, in accordance with the provisions of the Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended.

Issuance of bonds authorized.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 878 CHAPTER 737

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF STOKES COUNTY TO TURN INTO THE GENERAL FUND CERTAIN DELINQUENT TAXES UPON COLLECTION OF THE SAME.

The General Assembly of North Carolina do enact:

Stokes County, certain delinquent tax collections payable to general fund.

SECTION 1. The Board of County Commissioners of Stokes County is authorized and empowered, in its discretion, to turn into the general fund of the county the proceeds of all uncollected taxes which may be hereafter collected for the year 1945 and all prior years.

SEC. 2. All delinquent taxes for the year 1946 and for each subsequent year, after having been delinquent for a period of three years from and after their due date, shall, when collected, be turned into the General Fund of Stokes County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 886 CHAPTER 738

AN ACT TO AMEND CHAPTER 402 OF THE SESSION LAWS OF 1947 RELATING TO THE ESTABLISHMENT OF WINSTON-SALEM FIREMEN'S RETIREMENT FUND ASSOCIATION.

The General Assembly of North Carolina do enact:

Ch. 402, Session Laws, 1947, Winston-Salem Firemen's Retirement Fund Association, amended as to membership qualifications.

SECTION 1. Amend Section 2 of Chapter 402 of the Session Laws of 1947 by substituting a comma for the period at the end thereof, and adding the following:

"subject to the provisions of this Act, particularly Section 16 of this Act."

SEC. 2. Amend Section 6 of Chapter 402 of the Session Laws of 1947 to read as follows: Sec. 6, amended as to board of trustees.

"Any member of the board of trustees may resign at any time by giving notice in writing to the other trustees. Should any member of the board of trustees who is a member of the Fire Department of the City of Winston-Salem cease to be a member of such fire department for any reason, he or she shall automatically cease to be a member of the board of trustees. The successor to any elected member of the board of trustees who resigns or ceases to be a member of the board of trustees for any reason shall be elected as provided in Section 5 of this Act. Should the member of the board of trustees who was appointed by the Insurance Commissioner of the State of North Carolina resign or cease to be a member of the board of trustees for any reason, his or her successor shall be appointed by the said Insurance Commissioner." Resignation. Termination fire department membership. Vacancies.

SEC. 3. Amend Section 13 of Chapter 402 of the Session Laws of 1947 by adding the following at the end thereof: Sec. 13, amended as to investment of funds of association.

"Without intending to limit the investment powers of the board of trustees, they are specifically authorized and empowered to invest funds of the association by depositing such funds with the Winston-Salem Firemen's Credit Union on condition that the association shall receive the net earnings from the investment by such credit union of any funds so deposited."

SEC. 4. Amend Section 20 of Chapter 402 of the Session Laws of 1947 to read as follows: Sec. 20, amended as to total and permanent disability benefits.

"Whenever any member of the association who has been employed in the Fire Department of the City of Winston-Salem for at least five full years becomes totally and permanently unable, because of infirmity or disease affecting mind or body (whether or not induced by injury), to perform his or her duties in such fire department, which inability shall be determined pursuant to a medical examination or examinations by a physician or physicians of good standing and repute selected by the board of trustees, he or she shall be entitled to retire and to receive a monthly benefit payable for the remainder of his or her life equivalent to $2.00 multiplied by the number of full years of his or her service in the employment of the said fire department, not to exceed, however, $50.00 per month, and subject to reduction on a pro rata basis as provided in Section 18 of this Act."

SEC. 5. Amend Section 22 of Chapter 402 of the Session Laws of 1947 to read as follows: Sec. 22, amended.

"When any member of this association or the Fire Department of the City of Winston-Salem shall resign or be dismissed from this association or from the Winston-Salem Fire Department, he or she shall receive a sum of money equal to one-half of all monies paid into this association by said member, or upon Payments upon resignation or dismissal.

Death benefits.

the death of any member of this association while still a member of the Winston-Salem Fire Department, a sum of money equal to one-half of all monies paid into this association shall be paid to the beneficiary, or beneficiaries designated by such member. If after retirement a member of this association should die before having received in retirement benefits an amount equal to one-half of the member's contributions to the retirement fund, there shall be paid to the beneficiary or beneficiaries designated by such member, or in default thereof to his or her estate, an amount equal to one-half of his or her contributions, less the sum of retirement benefits paid to such member. Such reimbursements may be made on a monthly basis not to exceed the amount being paid to each member of this association on retirement, and shall be subject to the provisions of Section 18 of this Act."

Refund payable on death during retirement.

Sec. 23, amended as to liability of accounts of members for debts, etc.

SEC. 6. Amend Section 23 of Chapter 402 of the Session Laws of 1947 by substituting a comma for the period at the end thereof, and adding the following:

"but the provisions of this Section 23 shall not be applicable as regards any dealings with or obligations to the Winston-Salem Firemen's Credit Union."

New sections added.

SEC. 7. Amend Chapter 402 of the Session Laws of 1947 by inserting the following new Sections following Section 25, and by renumbering the old Sections 26, 27 and 28 accordingly:

Leaves of absence.

"SEC. 26. If a member of the Fire Department of the City of Winston-Salem is granted a leave of absence from such fire department on account of accidental injury or temporary illness, military service during time of active warfare, compulsory military service in time of peace, or other good cause, such member shall be deemed to have remained in the employment of such fire department during the period of such leave of absence or any extension thereof if he or she returns to active service with such fire department promptly following the end of the period of such leave of absence or extension thereof, except that no contributions shall be required during or with respect to such leave of absence."

Payment of benefits of member physically or mentally incapable of receiving or acknowledging receipt of same.

"SEC. 27. If any person entitled to benefits under this Act shall be physically or mentally incapable of receiving or acknowledging receipt of such benefits, the board of trustees, upon receipt of satisfactory evidence of such incapacity and that another person or institution is maintaining such person entitled to benefits, and that no guardian or committee has been appointed for him or her, may cause any benefit otherwise payable to him or her to be made to such person or institution so maintaining him or her."

Administration of provisions of Act.

"SEC. 28. The provisions of this Act shall be administered on an equitable and nondiscriminatory basis, it being the intent hereof that where the board of trustees are given discretionary

powers, such as those set forth in Sections 17, 18, 19, 20, 22, and 26 of this Act, such powers shall be exercised in an equitable manner and so as to prevent discrimination between persons similarly situated. All assets of the retirement fund shall be administered for the exclusive benefit of the members of this association and their beneficiaries and as a fund to provide for the payment to such members or beneficiaries of benefits as provided in this Act. It shall be impossible for any part of the principal or income of the retirement fund to be used for or diverted to purposes other than for the exclusive benefit of the members of this association or their beneficiaries as provided in this Act; except that the board of trustees may use such assets to pay the reasonable expenses incurred in administering the retirement fund and any debts, liabilities or obligations of such fund. The assets of the retirement fund shall be exempt from all taxes imposed by the State of North Carolina or any political subdivision thereof and the income of the retirement fund shall not be subject to income taxes."

Administration of assets of retirement fund.

Payment of certain expenses.

Assets and income of fund exempt from taxation.

SEC. 8. If any part or Section of this Act should be declared unconstitutional by the Supreme Court of North Carolina, it shall in no wise affect the remainder of this Act, and the remainder shall remain in full force and effect.

Partial invalidity section.

SEC. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 893 CHAPTER 739

AN ACT TO AMEND CHAPTER 762 OF THE SESSION LAWS OF 1947 RELATING TO THE COMPENSATION OF THE PROSECUTING ATTORNEY AND RECORDER OF THE RECORDER'S COURT IN UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 762 of the Session Laws of 1947 is hereby amended by striking out the words and figures "one hundred twenty-five dollars ($125.00)" which appear after the word "than" and before the word "per" in lines 3 and 4 of said Section and inserting in lieu thereof the words and figures "two hundred dollars ($200.00)," and by striking out the words and figures "one hundred fifty dollars ($150.00)" which appear after the word "of" and before the word "per" in line 5 of said Section and inserting in lieu thereof the words and figures

Ch. 762, Session Laws, 1947, amended to increase compensation of Judge, Recorder's Court, Union County.

Compensation of Prosecuting Attorney increased.

"two hundred fifty dollars ($250.00)," and by striking out the words and figures "one hundred twenty-five dollars ($125.00)" which appear after the word "than" and before the word "per" in lines 7 and 8 of said Section and inserting in lieu thereof the words and figures "one hundred seventy-five dollars ($175.00)," and by striking out the words and figures "one hundred fifty dollars ($150.00)" which appear after the word "than" and before the word "per" in lines 8 and 9 of said Section and inserting in lieu thereof the words and figures "two hundred dollars ($200.00)."

Increases to be retroactive.

SEC. 2. Such increases are hereby declared to be retroactive to December 1, 1948.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 909 CHAPTER 740

AN ACT TO PROVIDE PROCEDURE FOR THE SETTLEMENT OF THE AFFAIRS OF CERTAIN INOPERATIVE BOARDS AND AGENCIES.

The General Assembly of North Carolina do enact:

Procedure for settlement of affairs of certain inoperative State boards and agencies.

SECTION 1. Whenever the statutes creating, or granting authority to, any licensing, regulatory, or examining board or agency have been or are hereafter repealed, or declared unconstitutional or invalid by the Supreme Court of North Carolina, every officer or other person responsible for or having control or custody of any funds, records, equipment or any other assets held or owned by any such board or agency which was theretofore authorized by any such statute to exercise licensing or regulatory powers or conduct examinations in respect to the right to practice any profession or engage in any trade, business, craft or calling, shall forthwith release and deliver all such funds to the State Treasurer of North Carolina, and shall forthwith release and deliver all other assets of every nature whatsoever to the Director of the Division of Purchases and Contracts for the State of North Carolina.

Release and payment of funds to State Treasurer.

Delivery of other assets to Director, Division of Purchase and Contracts.

Official records turned over to Department of Archives and History.

SEC. 2. The Director of the Division of Purchases and Contracts shall receive all such assets so delivered and, after they have served their purpose in the liquidation of the affairs of such board or agency, shall turn over all official records of such board or agency to the Department of Archives and History, to

be held pursuant to the statutes relating to such department. The Director of the Division of Purchases and Contracts shall proceed to convert all other such assets into cash by public sale to the highest bidder, and shall deposit the net proceeds of any such sale with the State Treasurer: *Provided*, that the Director of the Division of Purchases and Contracts, in his discretion, may allocate to any State agency or department, the whole or any part of such assets, the sale of which is not required to discharge the obligations of the board or agency being liquidated.

Conversion of other assets into cash by public sale.

Provision for allocation of assets to State agency or department.

SEC. 3. The State Treasurer shall receive all funds delivered to him under this Act and shall deposit the same in a special fund for the account of the board or agency whose affairs are being liquidated, to be held and applied as hereinafter provided.

Deposit of funds by State Treasurer.

SEC. 4. Any person having any claim or cause of action against any board or agency whose affairs are being liquidated under this Act, may present a verified statement of the same to the Director of the Division of Purchases and Contracts, who shall investigate and approve or disapprove such claim; any claim not presented to the Director of the Division of Purchases and Contracts within one year from the time such board or agency becomes inoperative by law shall be barred, and no claim shall be approved or paid which is barred by any statute of limitation or any statutory prohibition in respect to the payment of any claim, or the refund of any deposit, dues, assessment, or examination or license fee.

Statement of claims.

Time limitation on presentation of claims.

SEC. 5. The Director of the Division of Purchases and Contracts shall certify to the State Treasurer a schedule of all claims approved or disapproved, and after one year from the time at which the board or agency became inoperative under the law, the State Treasurer shall, out of the funds in his hands for the account of such board or agency, pay all approved claims in full, or if such funds are insufficient for full payment, then he shall equally prorate said claims and make partial payment in so far as funds are available. Should any balance remain in the hands of the Treasurer after the payment of all approved claims, such balance shall escheat and be paid over to the University of North Carolina, to be held in accordance with the statutes governing escheats.

Schedule of claims certified to State Treasurer.

Payment of approved claims.

Escheat of balance, after payment of all claims, to University of North Carolina.

SEC. 6. Irrespective of the provisions of Section 5 of this Act, the State Treasurer is specifically authorized, in his discretion, to cause audit to be made of the affairs of any such board or agency, and to immediately pay the cost of such audit, together with the expenses of transferring records and assets, and other necessary costs of liquidation, out of the first funds coming into his hands for the account of such board or agency.

Audit of affairs of board or agency.

Payment of cost of audit and other expenses.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 922 CHAPTER 741

AN ACT RELATING TO THE TRAVEL ALLOWANCE OF THE SHERIFF OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 347, Session Laws, 1947, amended to increase travel allowance of Sheriff, Polk County.

SECTION 1. Section 1 of Chapter 347 of the Session Laws of 1947 is hereby amended by striking out in line 24 immediately following the word "of" and immediately preceding the words "per mile" the words and figures "five cents (5c)", and by inserting in lieu thereof the words and figures "six cents (6c)".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 932 CHAPTER 742

AN ACT TO PROVIDE FOR THE SALARY OF THE MAYOR OF THE TOWN OF BEAUFORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 352, Public-Local Laws, 1937, repealed.

SECTION 1. Chapter 352 of the Public-Local Laws of 1937, fixing the salary of the Mayor of the Town of Beaufort, is hereby repealed.

Town of Beaufort, salary of mayor.

SEC. 2. The Mayor of the Town of Beaufort shall receive a salary to be fixed by the Board of Commissioners of said Town of Beaufort.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 942 CHAPTER 743

AN ACT TO AMEND CHAPTER 105, ARTICLE 24, SECTION 345 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR THE GRANTING OF TAX DISCOUNTS IN THE CITY OF CHARLOTTE AND PRESCRIBING WHEN TAXES MAY BE PAID AT PAR IN SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 105, Article 24, Section 345 of the General Statutes of North Carolina be amended by adding at the end thereof a new Section reading as follows:

G. S. 105-345, penalties and discounts on payment of taxes, amended.

"*Provided, however,* that Sections (1) (2) and (6) hereof shall not apply to the City of Charlotte; and, *provided further,* should any taxpayer of the City of Charlotte make payment of his taxes in the months of August through November in any current tax year, he shall be entitled to the following discounts:

Application of Section to City of Charlotte.

If paid in the month of August, a deduction of 2%

If paid in the month of September, a deduction of 1½%

If paid in the month of October, a deduction of 1%

If paid in the month of November, a deduction of ½%

City of Charlotte, discounts for prepayment of taxes.

Taxes in the City of Charlotte shall be payable at par during December and January next after the same are due and payable.

Taxes payable at par.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 948 CHAPTER 744

AN ACT TO CREATE A BIRD SANCTUARY WITHIN THE TERRITORIAL LIMITS OF THE CITY OF FAYETTEVILLE, IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the ratification of this Act, all that territory embraced within the territorial limits of the City of Fayetteville, in Cumberland County, shall be a bird sanctuary.

City of Fayetteville, territorial limits declared bird sanctuary.

SEC. 2. From and after the ratification of this Act, it shall be unlawful for any person to hunt, kill or trap any birds within the territorial limits referred to in Section 1 of this Act. Any

Unlawful to kill or trap birds within territorial limits.

Violations made misdemeanor.

person violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 951 CHAPTER 745

AN ACT RELATING TO THE COMPENSATION OF DEPUTY SHERIFFS OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

McDowell County, compensation of Chief Deputy Sheriff.

SECTION 1. The Board of County Commissioners of McDowell County is hereby authorized, in its discretion, to pay to the Chief Deputy Sheriff of McDowell County, out of the general fund of the county, as a travel allowance in addition to all other compensation provided by law for said chief deputy sheriff, a sum not exceeding fifty dollars ($50.00) per month.

Compensation of deputy sheriff stationed at Town of Old Fort.

SEC. 2. The Board of County Commissioners of McDowell County is hereby authorized, in its discretion, to pay out of the general fund of the county a sum not exceeding fifty dollars ($50.00) per month to one deputy sheriff to be stationed at the Town of Old Fort in McDowell County, who shall be designated and chosen by the Sheriff of McDowell County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 964 **CHAPTER 746**

AN ACT TO AMEND GENERAL STATUTES 105-345 AS THE SAME APPLIES TO THE CITY OF GREENSBORO IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

G. S. 105-345, penalties and discounts on payment of taxes, amended.

SECTION 1. That 105-345 of the General Statutes of North Carolina, as the same applies to the City of Greensboro in Guilford County, North Carolina, is amended by striking out Subsections 1 through 6 and substituting in lieu thereof new Subsections 1 through 6, as follows:

City of Greensboro, discount for prepayment of taxes.

(1) On or before the first day of November next after due and payable, there shall be deducted a discount, the amount of which shall be fixed by ordinance of the City of Greensboro and which shall not exceed one-half of one per cent (½%).

Taxes payable at par.

(2) After the first day of November and on or before the thirty-first day of December next after due and payable, the tax shall be paid at par or face value.

Penalty for nonpayment of taxes.

(3) On or after the first day of January and on or before the first day of February next after due and payable, there shall be added to the tax interest at the rate of one per cent (1%).

(4) After the first day of February and on or before the first day of March next after due and payable, there shall be added to the tax interest at the rate of two per cent (2%).

(5) On and after the second day of March, the rate of interest shall be, in addition to said two per cent (2%), one-half of one per cent (½%) per month or fraction thereof until paid from said day on the principal amount of such taxes.

Discount for prepayment of taxes between July 1st and first Monday in October.

(6) Should any tax payer desire to make a prepayment between July 1st and the first Monday in October of any year, he may do so by making payment to such city employee as the governing body may determine and shall be entitled to discounts as fixed by ordinance of the City of Greensboro, and which shall not exceed the following amounts: If paid on or before July first, a deduction of not exceeding two per cent (2%); if paid after the first day and during the month of July, a deduction of not exceeding one and one-half per cent (1½%); if paid during the month of August, or during the month of September, or during the month of October before the first Monday in October, a deduction of not exceeding one per cent (1%).

Application of Act.

SEC. 2. This Act shall apply to the City of Greensboro in Guilford County only.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 965 CHAPTER 747

AN ACT AUTHORIZING THE GOVERNING BODY OF THE CITY OF GREENSBORO TO TEMPORARILY INVEST ITS FUNDS DERIVED FROM THE SALE OF BONDS OR FROM OTHER SOURCES.

The General Assembly of North Carolina do enact:

City of Greensboro, investment surplus funds from sale of bonds or from other sources authorized.

SECTION 1. That if for any reason the Governing Body of the City of Greensboro finds that the whole or any part of the proceeds of the sale of bonds heretofore or hereafter issued by the City of Greensboro cannot be currently used to advantage for the purpose or purposes authorized, or that funds derived from other sources cannot be presently used for the purposes for which the said funds accrued, then and in either of such events the Governing Body of the City of Greensboro may invest and reinvest such proceeds or funds, or the portion thereof which will not be presently used, in either bonds, notes or certificates of indebtedness issued by the United States of America, which are fully and unconditionally guaranteed as to principal and interest by the United States, until such time as said funds can be used for such purposes. Nothing in this Act shall be construed as permitting monies realized from investments of the proceeds from the sale of bonds to be used for any purpose other than the purpose for which the bonds were authorized. Earnings from the investment of proceeds of sale of bonds may be applied to payment of the interest or principal of the bonds from the sale of which such proceeds were derived or may be applied as increment to such proceeds. Monies realized from investments of funds from sources other than the sale of bonds may be used for any lawful purpose, and earnings from the investment of such other funds shall be applied as increment to such funds.

Application of monies realized from investments.

Any bonds, notes, or other evidence of indebtedness held by the City of Greensboro may be sold by the city at any time and may be sold privately.

Application of Act.

SEC. 2. This Act shall apply only to the City of Greensboro in Guilford County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 970 CHAPTER 748

AN ACT TO PROHIBIT THE HUNTING OF DEER IN ROBESON COUNTY UNTIL JANUARY 1ST, 1953.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful to hunt, pursue, take, or attempt to take any deer in any manner whatsoever, with or without guns or dogs, in Robeson County at any time, either by day or night, before the first day of January, 1953.

Robeson County, hunting of deer prohibited until after January 1, 1953.

SEC. 2. After January 1, 1953, no deer may be hunted or taken in Robeson County otherwise than at such time, in such manner and by such means as the game laws of the State may from time to time permit.

Regulation after January 1, 1953.

SEC. 3. Any person violating any provision of this Act shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.

Violations made misdemeanor.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 980 CHAPTER 749

AN ACT TO AMEND G. S. 115-46, RELATING TO THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF EDUCATION, AS THE SAME APPLIES TO LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 115-46 is hereby amended by striking out the word "five" from line 3 and inserting in lieu thereof the word "ten".

G. S. 115-46, amended to increase compensation of members of Board of Education, Lenoir County.

SEC. 2. This Act shall apply only to Lenoir County.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 987 CHAPTER 750

AN ACT TO ENABLE THE TOWN OF EDENTON TO SELL MUNICIPALLY OWNED REAL ESTATE AT PRIVATE SALE TO CHOWAN HOSPITAL, INC., AND TO CONVEY SAME BY DEED.

The General Assembly of North Carolina do enact:

Town of Edenton, sale of certain municipally owned property to Chowan Hospital, Inc.

SECTION 1. That the Town of Edenton be, and is hereby empowered and authorized to sell at private sale and convey by deed to Chowan Hospital, Inc., a public hospital, its successors and assigns, for the consideration of one dollar ($1.00), all of its right, title, interest and estate in and to all or any part of the municipally owned land, or commons, belonging to the said town, and lying to the West of Broad or Main Street in the said town: *Provided,* it may be stipulated in such deed that title to said property may revert to said town, its successors and assigns, in the event of any breach of covenants, restrictions, conditions or reservations which may be incorporated therein.

Reversion of property to town upon breach covenants, etc., of deed.

Construction of Act.

SEC. 2. That this Act shall not be construed as repealing any law authorizing the transfer of property by the governing authority of any town or county to a nonprofit charitable hospital nor shall this Act be construed as a substitute for any other Act authorizing such a transfer of property but shall be construed as supplementary to and auxiliary to any public law authorizing any town to transfer property or otherwise aid a nonprofit hospital.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 998 CHAPTER 751

AN ACT TO AMEND CHAPTER 433 OF THE PUBLIC-LOCAL LAWS OF 1929 RELATING TO THE RECORDER'S COURT OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 433, Public-Local Laws, 1929, amended.

SECTION 1. Section 2 of Chapter 433 of the Public-Local Laws of 1929 is hereby amended by adding at the end of said Section the following:

Franklin County, Recorder's Court, jurisdiction of divorce actions.

"(d) Jurisdiction concurrent with the Superior Court in all actions for divorce. The jury to try divorce actions shall be 12

in number and may be composed entirely of talesmen to be summoned by order of the recorder, in a manner similar to that provided in Section 9-11 of the General Statutes, or may be drawn from the jury box by the county commissioners in the same manner as jurors are drawn for the Superior Court, or by the clerk of the recorder's court, in the presence of the register of deeds, and if drawn from the box, the number shall not be less than 12 nor more than 18, and the clerk shall issue a proper writ to the sheriff of the county commanding him to summon the jurors to appear at court on the day set for the trial of actions. Jurors whose names are drawn from the jury box shall receive the same pay as jurors in the Superior Court, and talesmen shall receive a sum not to exceed three dollars ($3.00) per day, the amount to be fixed by the county commissioners, and the pay of said jurors shall be taxed in the bill of costs against the party required to pay the costs.

Summons of jurors.

Fees of jurors.

Fees taxed in bill of cost.

SEC. 2. Section 2½ of Chapter 433 of the Public-Local Laws of 1929 as added to said Chapter by Chapter 187 of the Public-Local Laws of 1931 is hereby amended by striking out the period which appears at the end of said Section and by inserting in lieu thereof the following: "including each divorce action."

Chapter further amended as to fees of Recorder.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1000 CHAPTER 752

AN ACT TO CREATE CASHIERS TOWNSHIP OF JACKSON COUNTY AS AN EXCLUSIVE STOCK LAW TERRITORY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the effective date of this Act, Cashiers Township in Jackson County shall be an exclusive stock law territory and the boundary or boundary lines of Cashiers Township shall be and constitute the outside boundaries of such exclusive stock law territory; and such township shall not be required to build any fence, but the outside boundary lines of Cashiers Township shall at all times be and constitute a lawful fence therefor, and no stock shall be permitted to run at large off of the lands of the owner within such exclusive stock law territory of Cashiers Township, and no tax for the construction, repair or maintenance of fences shall be levied in the exclusive stock law boundary or territory known as Cashiers Township.

Jackson County, Cashiers Township declared exclusive stock law territory.

No fence tax to be levied.

Impounding stock running at large in territory.

SEC. 2. That it shall be unlawful for any livestock to run at large off of the lands of its owners in Cashiers Township in Jackson County, and Chapter 68 of the General Statutes of North Carolina, as amended, shall govern the penalties and rules for impounding and shall apply as against all livestock running at large in Cashiers Township and off of the lands of its owner.

Application of G. S. 68-19.

SEC. 3. That Section 68-19 of the General Statutes, as the same may apply to Cashiers Township in Jackson County, be, and the same is hereby, repealed.

Election on question of stock law.

SEC. 4. That it shall be the duty of the Board of County Commissioners of Jackson County, at some convenient time or date to be fixed by the said board of commissioners and at least within a period of one year from the effective date of this Act, to call an election for Cashiers Township and to submit the question of "Stock Law" or "No Stock Law" to the qualified voters of Cashiers Township; and if in such township election a majority of the votes cast is in favor of "Stock Law," then this Act, and each and every provision of same, shall be in full force and effect in said Cashiers Township, otherwise this Act shall have no force and effect. If a majority of the votes cast are in favor of "No Stock Law", then not only shall this Act have no force and effect and in addition, any and all laws theretofore existing in Cashiers Township, or any portion of Cashiers Township, regulating stock law territory shall continue to be in full force and with the same effect as if the election herein provided had never been held. That said election shall be held and conducted according to the provisions of Article 3 of Chapter 68 of the General Statutes of North Carolina, said Chapter being entitled "Fences and Stock Law".

Act to become effective in event of majority vote in favor of "Stock Law."

Effect of majority vote in favor of "No Stock Law."

Conduct of election.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1012 CHAPTER 753

AN ACT FURTHER AMENDING THE ACT CREATING THE CIVIL SERVICE COMMISSION FOR THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Ch. 609, Public-Local Laws, 1939, creating Civil Service Commission, police department, Fayetteville, amended.

SECTION 1. That Chapter 609 of the Public-Local Laws of 1939, entitled "An Act to Create a Civil Service Commission for the Police Department for the City of Fayetteville and to Provide the Necessary Machinery and Rules for the Organization and Operation of said Civil Service Commission and Department," as amended by Chapter 300 of the Session Laws of 1943 and by Chapter 184 of the Session Laws of 1945, be further amended by (1) striking from the latter Act the words "drivers of fire trucks," at the end of Section 6 (a), and inserting instead the words "all paid members of the fire department," and (2) repealing Section 1 (c) of Chapter 300 of the Session Laws of 1943, which changed the age limit.

Extension of civil service to all paid members of fire department.

Maximum age of appointees to police force reduced.

SEC. 2. This Act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1020 CHAPTER 754

AN ACT TO MAKE THE OFFICE OF SOLICITOR OF THE DUNN RECORDER'S COURT IN HARNETT COUNTY ELECTIVE.

The General Assembly of North Carolina do enact:

Ch. 598, Public-Local Laws, 1911, amended.

SECTION 1. Chapter 598 of the Public-Local Laws of 1911 is hereby amended by inserting between Section 19 and Section 20 the following:

Harnett County, Dunn Recorder's Court, election of Solicitor.

"SEC. 19½. Whenever the Board of Commissioners of the Town of Dunn appoints a prosecuting attorney under authority of Section 19 of this Act, such prosecuting attorney shall serve until the next general election for county officers of Harnett County, after which time his successor shall be elected every two years by the qualified voters of Averasboro Township, said election to be held under the same rules and regulations governing elections for county officers."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after the next general election of county officers for Harnett County.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1021 CHAPTER 755

AN ACT TO AMEND CHAPTER 602 OF THE PUBLIC-LOCAL LAWS OF 1913 PERTAINING TO A RECORDER'S COURT IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 602, Public-Local Laws, 1913, amended to extend term of office of Judge of Harnett County Recorder's Court.

SECTION 1. Section 3 of Chapter 602 of the Public-Local Laws of 1913 is hereby amended by striking out the word "two" at the beginning of line 11 of said Section and by inserting in lieu thereof the word "four", and by striking out the word "biennially" at the end of line 12 and inserting in lieu thereof the words "every four years", it being the intent and purpose of this Act to extend the term of office of the Judge of the Harnett County Recorder's Court from two to four years.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Act retroactive to date of last general election.

SEC. 3. The provisions of this Act to be retroactive to the date of the last general election of county officers for Harnett County.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1026 CHAPTER 756

AN ACT TO EXTEND THE TERM OF OFFICE OF THE REGISTER OF DEEDS OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

G. S. 161-2, amended to extend term of office of Register of Deeds, Harnett County.

SECTION 1. G. S. 161-2 is hereby amended by striking out the word "Harnett" in line 11 of said Section, it being the purpose of this Act to extend the term of office of the Register of Deeds of Harnett County from two to four years.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from the date of the last general election of county officers for Harnett County. Effective date.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1030 CHAPTER 757

AN ACT CREATING THE LENOIR COUNTY HISTORICAL AND PATRIOTIC COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby created the Lenoir County Historical and Patriotic Commission for the County of Lenoir, North Carolina, consisting of nine members to administer and exercise the authority and functions as hereinafter set forth. Any office or place of business which the commission may maintain shall be located at Kinston, N. C. Lenoir County Historical and Patriotic Commission created. Location of office or place of business.

The members of the commission shall be the following persons: The Member of the House of Representatives from Lenoir County in the General Assembly of North Carolina shall be an ex-officio member of the commission; the Lenoir County Superintendent of Public Schools shall be an ex-officio member of said commission; the Chairman of the Board of Commissioners of Lenoir County shall be an ex-officio member of said commission; and the Mayor of the City of Kinston, N. C., shall be an ex-officio member of said commission, making four of the total of nine members. Members of Commission. Ex-officio members.

The remaining five members to make a total of nine members of the commission are the following named persons chosen by and representing organizations as here mentioned, which organizations are stated in alphabetical order: Mrs. Frances Hoke Pollock, representing Alfred Moore Waddell Chapter United Daughters of the Confederacy, Kinston, N. C., shall serve for the term of one year from the organization of the commission; Mrs. Robert G. Creech, representing Colonel George F. Whitfield Chapter United Daughters of the Confederacy, LaGrange, N. C., shall serve for the term of two years from the organization of the commission; Mrs. John G. Dawson, representing Lenoir County Committee of the North Carolina Society Colonial Dames of America, Kinston, N. C., shall serve for the term of three years from the organization of the commission; Mrs. J. F. Parrott, representing Moseley-Bright Chapter Daughters of the American Revolution, Kinston, N. C., shall serve for the term of four years from the organization of the commission; and Miss Delia Hyatt, representing the North Carolina Society of the Descendants of the Palatines, Incorporated, Kinston, N. C., Designation of other members; terms.

shall serve for the term of four years from the organization of the commission.

Vacancy appointments.

Any vacancy in the membership of the commission except the ex-officio members as above designated, occurring by expiration, by death, by resignation, or by any other cause, shall be filed by the organization which such member represents on the commission as above stated. The organization filling a vacancy shall do so in writing duly filed with the commission. Vacancies except for expiration of a term shall be filled for the unexpired term, and vacancies caused by expired terms shall be filled for the term of four years, and members may be elected to succeed themselves.

Powers and duties of Commission.

SEC. 2. The commission shall have full authority and power to do and perform the following designated functions:

(a) To ascertain, discover, locate, declare, and preserve places and things of a historic or patriotic nature or value in or pertaining to Lenoir County. Any authority now existing to locate markers and monuments of a historic or patriotic nature in Lenoir County is hereby transferred to this commission.

(b) To assist or encourage either or all of the five historical or patriotic organizations hereinbefore mentioned to mark and preserve any location or thing of a historic or patriotic nature or value in or pertaining to Lenoir County.

(c) To engage in research of and to study the history of Lenoir County, and cause the same to be done, including the people and things outstandingly connected with or incident to its development and growth, and to write or cause to be written a history of said county in as accurate and complete form as may be found possible within the means of the commission.

(d) To acquire, hold, and own, by any legal means or method, property of every kind and nature, both personal and real; and to sell, convey, give away, mortgage, and, by any legal means or method, dispose of or use said property for any and all purposes in its discretion.

Records of Commission.

SEC. 3. The commission shall keep legible, permanent, and proper records of its acts and doings, which records shall be made known to the public upon reasonable requests and under reasonable circumstances.

Additional powers of Commission.

SEC. 4. The commission shall be known as and shall transact business as Lenoir County Historical and Patriotic Commission, and by and under that name may make contracts and may hold, convey, and otherwise use and dispose of any property, personal or real. Conveyances of real estate shall be executed by that name and as is provided by law for the conveyance of real estate by corporations. And the commission is authorized to own and operate all sorts of equipment and machinery by any power utilized.

Conveyances of real estate.

Operation of equipment and machinery.

SEC. 5. As soon as is reasonably possible after the ratification of this Act, the members of the commission shall meet and organize by the election of a president, by the election of a vice president, and by the election of a secretary and treasurer; and it is provided that one person may hold both the office of secretary and that of treasurer.

Organization of Commission.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1032 CHAPTER 758

AN ACT TO AMEND SECTION 4 OF CHAPTER 343 OF THE PRIVATE LAWS OF 1905 RELATING TO POLICE POWERS IN THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. Section 4 of Chapter 343 of the Private Laws of 1905 is hereby amended by striking out the semicolon following the word "limits" in line 10 of said Section, and inserting in lieu thereof a comma and the following words:

Ch. 343, Private Laws, 1905, amended to extend police power, City of Goldsboro.

"or within the area situated in New Hope Township, Wayne County, North Carolina, adjacent to Goldsboro Township and generally known as the Seymour Johnson Army Airfield which was acquired by the City of Goldsboro from the United States of America under instrument dated January 20, 1949, and recorded in the office of the Register of Deeds of Wayne County, North Carolina, in Book 341 at Page 495."

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1033 CHAPTER 759

AN ACT TO EXTEND THE AUTHORITY OF THE POLICE OF THE TOWN OF CONWAY TO WITHIN ONE MILE OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Conway, police authority extended.

SECTION 1. The police officers or other law enforcement officers appointed by the Mayor and Town Commissioners of the Town of Conway, Northampton County, North Carolina, for the purpose of enforcing and carrying out the laws of North Carolina and the ordinances of the Town of Conway, are hereby given full power and authority to make arrests anywhere within one mile outside the corporate limits of said town for violations of the laws of North Carolina and ordinances of said town committed within said territory.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 1057 CHAPTER 760

AN ACT RELATING TO THE DUTIES AND SALARY OF THE AUDITOR OF MADISON COUNTY AND AUTHORIZING THE APPOINTMENT OF A TAX SUPERVISOR.

The General Assembly of North Carolina do enact:

Ch. 1047, Session Laws, 1947, amended to relieve county auditor, Madison County, of duties of tax supervisor.

SECTION 1. Section 1 of Chapter 1047 of the Session Laws of 1947 is hereby repealed.

Salary of county auditor.

SEC. 2. Section 2 of Chapter 1047 of the Session Laws of 1947 is hereby amended by striking out of line 3 the words and figures "two hundred dollars ($200.00)" and inserting in lieu thereof the following: "One hundred and seventy-five dollars ($175.00); *provided,* that from and after December 1, 1950, the salary of the county auditor shall be one hundred and fifty dollars ($150.00) per month".

Appointment of tax supervisor.

SEC. 3. The Board of Commissioners of Madison County is hereby authorized to appoint a Tax Supervisor for Madison County, which appointment shall be made in accordance with the provisions of Subchapter II of Chapter 105 of the General Statutes, and the tax supervisor so appointed shall have all of the powers and duties and be subject to all liabilities as set out in said Subchapter II of Chapter 105 of the General Statutes.

Powers and duties.

The tax supervisor shall receive such compensation for his services and shall be furnished such clerical assistance as may be determined by the board of county commissioners in its discretion. Compensation.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after December 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

S. B. 326 CHAPTER 761

AN ACT TO CREATE AND ESTABLISH A BUREAU OF IDENTIFICATION FOR CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In order to provide for the performance of the duties and services hereinafter described for the better enforcement of the criminal laws in Cumberland County, there is hereby created and established a Bureau of Identification for Cumberland County, hereinafter referred to as the Bureau. Cumberland County, Bureau of Identification established.

SEC. 2. The Chairman of the Board of Commissioners of Cumberland County, the Mayor of the City of Fayetteville and the Chairman of the Cumberland Board of Alcoholic Control shall ex-officio constitute the Bureau of Identification Supervisory Board, hereinafter referred to as the Board. Members of said Board shall serve without additional compensation. Membership of Supervisory Board.

SEC. 3. Said Board shall formulate the policies of the Bureau, employ all necessary personnel, prescribe their duties and fix their compensation. It shall be the purpose of said Bureau to assist law enforcing officers to the fullest possible extent through fingerprints, photographs and other means of scientific identification. Duties of Board. Purpose of Bureau.

It shall be the duty of said Board to procure adequate and suitable office space for the Bureau, either through securing the assignment of such space in some public building or by renting suitable quarters. Office space for Bureau.

SEC. 4. All expenses of operation of said Bureau shall be shared equally by Cumberland County, the City of Fayetteville, and the Cumberland County Board of Alcoholic Control. The county share shall be paid out of the county general fund, the city share shall be paid out of the city general fund and the Board of Alcoholic Control's share shall be paid out of funds allocated for law enforcement. Expenses of operation of Bureau.

Proposed budget.

SEC. 5. It shall be the duty of the Board to prepare a proposed budget which shall be submitted to the Board of Commissioners of Cumberland County, the Governing Body of the City of Fayetteville and the Cumberland County Board of Alcoholic Control meeting jointly. A majority of the members of each of the three boards must be present at such meeting to constitute a quorum. When a quorum is present, a budget may be approved by a majority of those present.

Approval of budget.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

S. B. 350 CHAPTER 762

AN ACT TO AMEND SECTION 28-68 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PAYMENT TO CLERK OF SUPERIOR COURT OF SUMS NOT EXCEEDING THREE HUNDRED DOLLARS ($300.00) DUE AND OWING INTESTATES.

The General Assembly of North Carolina do enact:

G. S. 28-68, payment to C. S. C. of sums due intestates, amended to apply to Sampson County.

SECTION 1. That Section 28-68 of the General Statutes of North Carolina, as amended, be and the same is hereby amended by adding at the end thereof after the word "Scotland" the word "Sampson".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

H. B. 867 CHAPTER 763

AN ACT TO REPEAL CHAPTER 929 OF THE SESSION LAWS OF NORTH CAROLINA OF 1945 GRANTING UNTO THE COMMISSIONERS OF WAKE COUNTY JURISDICTION OVER GEOGRAPHICAL AREA IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 929 of the General Session Laws of North Carolina of 1945 be and the same is hereby repealed. Ch. 929, Session Laws, 1945, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of April, 1949.

S. B. 167 CHAPTER 764

AN ACT TO CREATE A BOARD OF HEALTH FOR GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. A Board of Health for the entire County of Guilford to be known as the Board of Health of Guilford County is hereby created. Creation of Board of Health of Guilford County.

SEC. 2. That said board of health shall be composed of seven members. The chairman of the board of county commissioners shall be ex-officio a member of the Board of Health of Guilford County and the chairman thereof; that the other six members of the board shall be elected as hereinafter provided. That three of the members shall be residents and citizens of Greensboro, one of whom shall be a physician recommended by the Guilford County Medical Society, another of whom shall be a dentist recommended by the Guilford County Dental Society. That two of the members shall be citizens and residents of the City of High Point, of whom one shall be a physician recommended by the Guilford County Medical Society; that one of the members shall be a citizen and resident of Guilford County living outside of the corporate limits of the Cities of Greensboro and High Point. Membership of Board.

SEC. 3. That within ten days after notice of the ratification of this Act, the Chairman of the Board of County Commissioners of Guilford County and the Mayors of the Cities of Greensboro Joint meeting of Guilford County Commissioners and City Councils of Greensboro and High Point.

and High Point shall call a joint meeting of the Board of Commissioners of Guilford County and the City Councils of the Cities of Greensboro and High Point to be held in the courthouse in Greensboro, North Carolina, within ten days of the date of the call to select members of the Board of Health of Guilford County, and to perform such other duties as are necessary for the proper organization of said board of health.

Election of members.

SEC. 4. That at the joint meeting, provided for in the preceding Section, the County Commissioners of Guilford County and the City Councils of the Cities of Greensboro and High Point shall elect six members of the Board of Health of Guilford County. One member of the Board of Health from the City of Greensboro, one member from the City of High Point, and one member from Guilford County outside of the corporate limits of the Cities of Greensboro and High Point shall be elected for a term of one year; the other three members shall be elected for a term of two years.

Each governing body to vote as unit in joint meetings.

SEC. 5. That in any joint meeting of the Governing Bodies of the County of Guilford and the Cities of Greensboro and High Point, provided for in this Act, each governing body shall vote as a unit, and the vote of said unit shall be determined by majority vote of the members of the governing body of said unit.

Election of succeeding members.

Vacancies.

SEC. 6. That successors to the members of the board of health, as their terms expire shall be elected by the Board of County Commissioners of Guilford County for terms of two years; that if vacancies should occur by death, resignation or otherwise, said vacancy shall be filled in the same manner for the unexpired term; that successors to members residing in the City of Greensboro shall be elected from persons recommended by the City Council of the City of Greensboro; and successors to members residing in the City of High Point shall be elected from persons recommended by the City Council of the City of High Point.

Powers and duties of Board relating to public health.

SEC. 7. That the said Board of Health of Guilford County shall have all the powers relating to public health now vested in the Guilford County Board of Health and in the governing bodies of every town or city located within said county, and shall be charged with the performance of all duties relating to the public health now prescribed by law for and upon the governing bodies of all the cities and towns in Guilford County and their boards of health, and upon Guilford County Board of Health, or such as may hereafter be prescribed or imposed. It shall have the power to appoint and employ all such officers and servants as it may deem necessary to carry into effect the provisions of this Act: *Provided,* the expenditures for the operation of the said board of health shall not exceed the amounts appropriated for it as hereinafter provided; and *provided, further,* that this Section shall not be construed to invalidate any ordinance now in force in any town or city in Guilford County, nor

Appointment and employment of officers and employees.

Limitation on expenditures for operation.

to prevent any town or city in Guilford County from adopting any ordinance relating to the public health which its governing body may deem wise; *provided* that the board of health may empower the health officer to act as the executive officer of the board in whole or in part, with full authority to see that the function of the board is properly performed, and to employ and discharge subordinate officials and employees, or any of them.

Effect of section on existing ordinances and adoption of further ordinances.

Health officer may act as executive officer of board.

SEC. 8. That the Board of Health of Guilford County shall have the power to receive from any person, firm or corporation, private or municipal, or from any civic organization, donations to be used for the benefit of the public health of Guilford County, or of any area therein; and it shall have the authority to administer the funds thus received in accordance with the terms of the gift, but it shall be within the discretion of the said board of health to determine the expediency of accepting the gifts upon the terms offered, and to reject any gifts, the acceptance of which, is deemed unwise.

Power to receive and administer donations.

SEC. 9. That the members of the board of health shall meet and organize within ten days following their election. They shall elect the officers of the board, except the chairman; the officers must include a secretary who need not be a member of the board. The term of elected officers shall be one year, and they shall hold their office until their successors are elected. At this meeting, or at a meeting held soon thereafter, they shall elect a health officer and his assistants, and the other necessary personnel; or they may empower the health officer to choose any or all of the subordinate officials.

Organization of Board.

Election of health officer and personnel.

SEC. 10. That the secretary shall keep the minutes of the proceedings of the Board of Health of Guilford County and shall make regular reports of each meeting to the board of county commissioners and the City Councils of the City of Greensboro and the City of High Point. The Board of Health of Guilford County shall from time to time make suggestions and recommendations to the Board of County Commissioners of Guilford County and to the City Councils of Greensboro and High Point as to ways and means of improving the public health, and call the attention of these bodies to any condition unfavorably affecting the public health.

Minutes and reports of meetings of Board.

Recommendations as to methods of improving public health.

SEC. 11. That the board of health shall meet at least once every three months and a meeting may be called at any time by the chairman upon the notice prescribed for meetings by this Section. It shall be the duty of the chairman to call a meeting when requested in writing to do so by two members of the board. Five days written notice of all meetings shall be given to each member of the board. A letter containing notice properly stamped and directed to the member at his correct post office address shall be deemed given at the time said letter shall be mailed.

Meetings of Board.

Annual submission of budget for operation and maintenance of Board until June 1, 1951.

SEC. 12. That not later than June 1st of each year until and including June 1, 1951, the Board of Health of Guilford County shall prepare and submit to the Board of County Commissioners of Guilford County and the City Councils of the Cities of Greensboro and High Point a proposed budget for the operation and maintenance of said board of health during the next fiscal year, and on or before June 15th of each of said years, the Board of Commissioners of Guilford County and the city councils of said cities in joint meeting shall consider the proposed budget and accept or modify the same and adopt an acceptable budget under which the Board of Health of Guilford County shall operate during the next fiscal year; and total appropriations in sums sufficient to support said budget shall be made by the bodies aforesaid; the amount to be appropriated by each of the contributing units to be specifically agreed upon at the time they are made; *provided* that the appropriations for the board of health made by the City of Greensboro shall not exceed the following sums: For the fiscal year 1949-50, $56,658.00; for the fiscal year 1950-51, $42,798.00 and for the fiscal year 1951-52, $21,623.00; and the appropriations for the board of health made by the City of High Point shall not exceed the following sums: For the fiscal year 1949-50, $35,255.00; for the fiscal year 1950-51, $26,255.00; for the fiscal year 1951-52, $12,505.00; and the County Commissioners of Guilford County shall make the other necessary appropriations for said years; that for the fiscal year 1952-53 and all years thereafter all appropriations shall be made by the County Commissioners of Guilford County. That without the consent of the majority of the members of the Board of County Commissioners of Guilford County, a total appropriation exceeding $196,206.00, including the gifts of the State and United States Governments for any of the fiscal years 1949-50, 1950-51 and 1951-52 may not be made. The maximum amounts of $56,658.00 for the fiscal year 1949-50, and $42,798.00 for the fiscal year 1950-51, and $21,623.00 for the fiscal year 1951-52, which may be made by the City of Greensboro, and the maximum amounts of $35,255.00 for the fiscal year 1949-50; $26,255.00 for the fiscal year 1950-51, and $12,505.00 for the fiscal year 1951-52, which may be made by the City of High Point shall be the amount said cities shall appropriate for said years, unless the total amount appropriated by Guilford County, City of Greensboro and City of High Point is less than the amount appropriated for the fiscal year beginning July 1, 1948; and in the event that the total appropriated by the three units above mentioned is less than the amount appropriated by said three units for the fiscal year beginning July 1, 1948, the amount which each unit shall appropriate shall be reduced in the same ratio that the net amount appropriated by each unit bears to the total amount appropriated from local funds for the fiscal year beginning July 1, 1948.

Consideration and adoption of budget.

Appropriations to support budget.

Limitation on appropriations.

Annual submission of budget for operation and maintenance after June 1, 1951.

SEC. 13. That not later than the first day of June, 1952, and the same day of each succeeding year, the Board of Health of Guilford County shall prepare and submit to the Board of County Commissioners of Guilford County a proposed budget for the operation and maintenance of said board of health during the next fiscal year; and on or before the fifteenth day of June of said years said board of commissioners shall consider the proposed budget and accept or modify the same, and adopt an acceptable budget under which the Board of Health of Guilford County shall operate during the next fiscal year; said board of county commissioners shall make necessary appropriations to support said budget.

Consideration and adoption of budget.

Appropriation to support budget.

Payment of appropriations to County Treasurer.

Disbursements by Treasurer.

Unexpended appropriations.

SEC. 14. That the appropriations made by the Cities of Greensboro and High Point shall be paid to the Treasurer of Guilford County in equal monthly installments; and said treasurer shall disburse said payments together with the sum appropriated by the County of Guilford in defraying the operating expenses of the Board of Health of Guilford County according to law. That any unexpended portion of the appropriation made for the operation of the Board of Health of Guilford County for any fiscal year shall be used in the operation of said board during the next fiscal year; and each appropriating unit may reduce its appropriation for the next fiscal year by its pro rata part of the unexpended portion of appropriation derived from local funds.

Use of health department equipment of Greensboro and High Point.

Determination of value of equipment.

SEC. 15. That the Board of Health of Guilford County shall have the right to select and use any equipment now owned by the Cities of Greensboro and High Point, and used by the health departments of these cities; and if said board wishes to exercise this option, it must do so on or before July 10, 1949. In case any of this equipment is selected and used as aforesaid, the value of the same shall be determined as follows: The property of the City of Greensboro, three appraisers must be chosen, one by the City Council of the City of Greensboro, one by the County Commissioners of Guilford County, and one by the two appraisers selected as aforesaid. The property of the City of High Point: Three appraisers shall be chosen, one by the City Council of the City of High Point, one by the Board of County Commissioners of Guilford County, and one by the two appraisers selected as aforesaid. The valuation of the appraisers shall be the purchase price of said property and binding upon Guilford County and Cities of Greensboro and High Point. The purchase price of said equipment shall not bear interest and shall be paid by Guilford County not later than September 1, 1952. The x-ray machine for tubercular persons, given to Greensboro by the Greensboro T. B. Association, with the consent of said association may be used by the board of health without charge.

Valuation to be purchase price.

Payment of purchase price.

Use of certain X-ray machine without charge.

Operations of Board prior to July 1, 1949.

SEC. 16. That the operations of the Board of Health of Guilford County, hereby created, prior to July 1, 1949, shall be confined to the organization of the board, the selection and employ-

ment of the health officer and his assistants and the other employees of the board, the preparation of the budget, the securing of equipment and quarters, and the doing of any and all acts necessary and proper before beginning the performance of its duties in caring for the public health of Guilford County, which duties shall begin on July 1, 1949.

Operation of Board deemed special purpose.

SEC. 17. That the operation of the Board of Health of Guilford County shall be deemed a special purpose, and the funds for its operation need not be taken from the General Fund of Guilford County.

Date operations of present health boards shall cease.

SEC. 18. That the present Boards of Health of Guilford County and the Cities of Greensboro and High Point, shall continue to exist and be operated as is now being done until and through June 30, 1949; and after that date they shall cease to operate and their existence shall come to an end. As of July 1, 1949, all functions and unfinished business of said boards of health are hereby transferred to the Board of Health of Guilford County hereby created.

Transfer of functions, etc.

Partial invalidity section.

SEC. 19. That, if any portion of this Act should be declared unconstitutional by the Courts of North Carolina and/or of the United States, this shall in no wise affect the other portion of said Act, and such portions shall remain in full force and effect.

Conflicting laws repealed.

SEC. 20. That all laws and clauses of laws in conflict herewith are hereby repealed.

Effective date; application of Act.

SEC. 21. That this Act shall be in full force and effect from and after the date of its ratification, and shall apply only to Guilford County.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 171 CHAPTER 765

AN ACT RELATING TO THE SCHOOL SINKING FUNDS OF JOHNSTON COUNTY AND PROVIDING FOR THE CUSTODY AND HANDLING THEREOF.

Preamble: Johnston County, sinking fund bonds and securities in custody of Board of Education.

WHEREAS, the Board of Education of Johnston County, under authority of Chapter 19 of the Session Laws of 1947, has in its custody certain securities arising out of and from the proceeds of transactions on other bonds or securities belonging in and to the Sinking Funds of Johnston County, which said sinking fund bonds and securities are kept by said board of education in a safety deposit box subject to the joint control of the chairman and secretary of said board; and

WHEREAS, Johnston County has a duly elected, qualified and bonded treasurer and whereas said treasurer is ex-officio treasurer of the county board of education; and

County treasurer ex-officio treasurer of board of education.

WHEREAS, the securities now in the actual custody of the said board and under the joint control of its chairman and secretary should be turned over to the Treasurer of Johnston County as Treasurer of the Johnston County Board of Education: *Now, therefore,*

Securities in custody of board should be turned over to treasurer.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Education of Johnston County or the chairman or secretary of said board shall forthwith surrender, turn over and deliver to the Treasurer of Johnston County, as Treasurer of the Board of Education of Johnston County all securities, bonds, money and other property belonging to or constituting a part of the school sinking funds of said county, now in control and custody of said board, its chairman and secretary. The said treasurer shall hold said securities and bonds, money or other property and the proceeds derived from the sale of any of said securities, bonds or other property, for the use and benefit of the schools of said county. The said funds shall continue and remain funds to be used by the Board of Education of Johnston County under budgets jointly approved by the board of commissioners of said county and the said board of education, for the construction, alteration, repair or addition to the public school buildings of said county, *provided, however,* that said funds may be used for the erection, construction and equipment of school buildings for the teaching of vocational agriculture and allied subjects and/or lunch rooms.

Johnston County, surrender and delivery of school sinking fund securities, etc., to County Treasurer.

Continued use of funds by Board of Education for school purposes.

SEC. 2. In the Archer Lodge school district the funds available to said district arising out of and from any special levy of taxes intended and set aside for use of vocational agriculture or the establishment of a lunch room may in the discretion of the school committee of said district and with the approval of the county board of education be used to provide for the payment of an additional teacher.

Use of funds available to Archer Lodge school district.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 196 CHAPTER 766

AN ACT TO AUTHORIZE THE CREATION OF HOSPITAL DISTRICTS AND TO AUTHORIZE SUCH DISTRICTS TO ISSUE BONDS AND LEVY TAXES FOR HOSPITAL PURPOSES.

The General Assembly of North Carolina do enact:

G. S. 131-126.18, Hospital Facilities Act, amended as to definitions.

"Municipality."

SECTION 1. Amend Section 131-126.18 of the General Statutes of North Carolina, as the same appears in the Cumulative Supplement to the General Statutes of 1947, by striking out the period appearing after the word "state" at the end of the third line of said Section and by inserting in lieu thereof a comma and the following: "or any hospital district created pursuant to Article 13C of Chapter 131 of the General Statutes."

SEC. 2. Amend G. S. 131-126.18 by rewriting paragraph (c) of said Section so that said paragraph (c) shall read as follows:

"Hospital facility."

"(c) 'Hospital facility' means any type of hospital, clinic or public health center, housing or quarters for local public health departments, including relating facilities such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals."

G. S. 153-77, County Finance Act, authorizing bond issue for purpose of erection and purchase of hospitals, amended.

SEC. 3. Amend Section 153-77 of the General Statutes by rewriting paragraph (d) of said Section so that said paragraph (d) shall read as follows:

"(d) Erection and purchase of hospitals; housing or quarters for public health departments or local public health departments; hospital facility as the term is defined in paragraph (c) of G. S. 131-126.18."

G. S. 131-126.18, further amended to define "governing authority of hospital district."

SEC. 4. Amend Section 131-126.18 by adding at the end of said Section another paragraph which shall be designated as paragraph (e), and which said paragraph shall read as follows:

"(e) 'Governing authority of hospital district' means the board of county commissioners of any county in which there is located wholly within the boundaries of the county a hospital district created under the provisions of Article 13C of Chapter 131 of the General Statutes."

G. S. Ch. 131, amended.

Article 13C, enacted.

SEC. 5. Amend Chapter 131 of the General Statutes of North Carolina, as amended, by inserting after Article 13B and before Article 14 of said Chapter a new Article which shall be designated as Article 13C, which said new Article shall read as follows:

Title of Article.

"Article 13C. Creation of Hospital Districts with Authority to Issue Bonds and Levy Taxes for Hospital Purposes.

"SECTION 131-126.31. Petition for formation of hospital district. Upon receipt of a petition signed by not less than one hundred citizens of the territory described in such petition, praying that such territory be created into a hospital district and that bonds and/ or notes be issued under the provisions of this Article, the North Carolina Medical Care Commission, with the approval of the board of county commissioners of the county in which such proposed hospital district is located, shall cause notice to be given by posting at the courthouse door, and at three public places in such proposed hospital district, and by three weekly publications in a newspaper circulating in such proposed hospital district, that on a date to be named in such notice, which shall not be earlier than twenty days after the first posting and publication of such notice, it will hold a public hearing at a designated place within the proposed hospital district or some designated place within the county in which the district is to be created, upon the question of creating a hospital district comprising the territory described in such petition and set forth in such notice, and that any taxpayer or other interested person may appear and be heard at the time and place set forth in such notice. At the time and place set forth in such notice, the North Carolina Medical Care Commission, or its duly authorized representative who shall be a member of said commission, shall hear all interested persons and may adjourn the hearing from time to time.

G. S. 131-126.31. Petition for formation of hospital district.

Notice of public hearing.

Hearing.

"SECTION 131-126.32. Result of hearing; name of district. The North Carolina Medical Care Commission may deny such petition, or it may grant such petition and enter an order creating a hospital district, comprising either the territory described in such petition or a part of such territory and additional territory, and the order of the North Carolina Medical Care Commission creating such hospital district shall define the boundaries thereof: *Provided, however,* that all the territory embraced in a new hospital district shall be located in one county. Each hospital district so created shall be designated by the North Carolina Medical Care Commission as the "_____ Hospital District of _____ County," inserting in the blank spaces some name identifying the locality and the name of the county.

G. S. 131-126.32. Result of hearing; name of district.

"SECTION 131-126.33. Election for bond issue; method of election. Whenever five hundred or more adult residents of such hospital district shall file with the board of county commissioners of the county in which such hospital district is located a petition requesting an election, the board of county commissioners shall order a special election to be held in any such hospital district for the purpose of voting upon the question of issuing bonds and/or notes and levying a sufficient tax for the payment thereof for the purpose of and/or the cost of planning and acquiring, establishing, developing, constructing, enlarging, improving or equipping any type of hospital, clinic or public health

G. S. 131-126.33. Election for bond issue; method of election.

Petition and order for election.

center, including relating facilities such as laboratories, outpatient departments, nurses' homes and training facilities operated in connection with hospitals and purchasing sites in such district for any one or more of said purposes, including any public or non-profit hospital facility. In all such elections, the board of county commissioners of such county shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election and shall record such determination on their records.

Designation of polling places; appointment of registrars, etc.

Notice of election.

Contents of notice.

The notice of election shall be given by publication at least three times in some newspaper published or circulating in such hospital district. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such hospital district unless the hospital district is coterminous with a township in said county (in which event the notice shall so state), the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the hospital district for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such hospital district shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such hospital district at least thirty days before the close of the registration books. This notice of registration may be considered one of three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day; and except as otherwise provided in this Article, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be in substantially the words: "For the issuance of $_____ Hospital Bonds and/or Notes, or a description of any other purpose named in this Article for which bonds and/or notes may be issued, and the levying of a sufficient tax for the payment thereof." Such affirmative and negative form may be printed upon separate ballots, or both thereof may be printed upon one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross [X] mark.

New registration.

Notice of registration.

Challenge day.

Form of ballot.

G. S. 131-126.34. Canvassing vote and determining results.

"SECTION 131-126.34. Canvassing vote and determining results. At the close of the polls, the election officers shall count the votes and make returns thereof to the board of county commissioners, which board shall, as soon as practicable after the

election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of county commissioners as aforesaid and the other filed with the Clerk of the Superior Court of the county in which the hospital district is situated. The board of county commissioners shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such hospital district.

G. S. 131-126.35. Limitation of actions.

"SECTION 131-126.35. Limitation of actions. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district or such unit shall be asserted, nor shall the validity of such election or the validity of the creation of such hospital district, or the right or duty to levy sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding Section.

G. S. 131-126.36. Issuance of bonds and levy of taxes.

"SECTION 131-126.36. Issuance of bonds and levy of taxes. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the board of county commissioners may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but they shall be made payable exclusively out of taxes to be levied in such hospital district, except the board of county commissioners may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said board of county commissioners may determine, subject to the limitations and restrictions of this Article. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great

Form and denomination of bonds, etc.

Serial bonds.

Rate of interest.

in amount as the smallest prior installment, of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the chairman of the board of county commissioners, and the seal of the county shall be affixed to or impressed upon each bond and/or note and attested by the register of deeds of the county or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Execution of bonds.

Interest coupons.

Delivery of bonds.

G. S. 131-126.37. Collection and application of tax.

"SECTION 131-126.37. Collection and application of tax. The board of county commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the hospital district in which the election was held, sufficient to pay the principal and interest of the bonds and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

G. S. 131-126.38. Tax levy for operation, equipment and maintenance.

"SECTION 131-126.38. Tax levy for operation, equipment and maintenance. Upon receipt of a petition signed by five hundred or more adult residents of a hospital district, or upon request set forth in the petition for a bond issue, as heretofore provided in this Article, the board of county commissioners of the county in which such hospital district is located shall cause to be levied a tax for the purpose of financing the costs of operation, equipment and maintenance of any hospital facility authorized by this Article, including any public or non-profit hospital facility: *Provided,* that the levy of such tax is approved by a majority of the qualified voters of the hospital district who shall vote thereon in an election held for such purpose. The rate or amount of such taxes for which a levy may be made hereunder shall be determined by the board of county commissioners of such county; and a ballot shall be furnished to each qualified voter at said election, which ballot may contain the words "For Hospital Facility Maintenance Tax (Briefly stating any other pertinent information)," and "Against Hospital Facility Maintenance Tax (Briefly stating any other pertinent information)," with squares in front of each proposition, in one of which squares the voter may make a cross mark [X]; but any other form of ballot containing adequate information and properly stating the question to be voted upon shall be construed as being in compliance with

Tax levy subject to election.

Determination of rate of tax.

Form of ballot.

this Section. Such election may be held at any time fixed by the board of county commissioners of such county, and the question of levying a tax for the operation and maintenance of hospital facilities, as provided by this Section, may be submitted at the same time the question of issuing bonds is submitted, as provided in this Article, or the question of levying a tax for operation and maintenance purposes may be submitted in a separate election according to the discretion and judgment of the board of county commissioners of the county in which the hospital district is located. Such election for the approval of a levy of taxes for costs of operation, equipment and maintenance of any hospital facility, as authorized by this Article, shall be held and conducted in the same manner as elections are held and conducted to determine the question of the issuance of bonds as provided in this Article.

Time of holding of election.

Conduct of election.

"SECTION 131-126.39. Article supplemental to other grants of authority. The powers conferred by this Article shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

G. S. 131-126.39. Article supplemental to other grants of authority.

"SECTION 131-126.40. Approval of Local Government Commission. This Article shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes, authorized by this Article. The proceeds shall be paid out only upon order of the board of county commissioners."

G. S. 131-126.40. Approval of Local Government Commission.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 197 **CHAPTER 767**

AN ACT TO AUTHORIZE THE GOVERNING BODIES OF COUNTIES, CITIES AND TOWNS TO PLEDGE, ENCUMBER OR APPROPRIATE SURPLUS FUNDS, UNAPPROPRIATED FUNDS AND PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES TO SECURE THE OPERATING DEFICITS OF PUBLICLY OWNED OR NON-PROFIT HOSPITALS.

The General Assembly of North Carolina do enact:

A.B.C. profits, use by local units to secure operating deficits of publicly owned hospitals.

SECTION 1. The board of county commissioners of any county or the governing authority of any city or town is hereby authorized, in its discretion, to pledge, encumber or appropriate funds from any surplus funds, unappropriated funds, or funds derived from profits of Alcoholic Beverage Control stores for the purpose of guaranteeing the operating deficit of any publicly owned or nonprofit hospital. The special approval of the General Assembly is hereby given to the above enumerated appropriations and authorizations for such special purposes.

Issuance of bonds and notes for construction, operation and securing operating deficits.

SEC. 2. The special approval of the General Assembly is hereby given to the issuance by counties, cities and towns of bonds and notes for the special purpose of building, erecting and constructing any publicly owned or nonprofit hospital and for the purpose of financing the cost of operation, equipment and maintenance of any such hospital or for the purpose of securing or guaranteeing any operating deficit of any such hospital, and the special approval of the General Assembly is hereby given to all counties, cities and towns to levy property taxes for the payment of said bonds and notes and interest thereon.

Tax levy for construction and operation.

SEC. 3. The special approval of the General Assembly is hereby given to the governing authority of any county, city or town for the levying of a tax on property in addition to other taxes for general purposes, not to exceed ten cents (10c) on the one hundred dollars ($100.00) value of property annually for the purpose of financing the cost of operation, equipment and maintenance of any publicly owned or nonprofit hospital or to guarantee or secure the operating deficit of any such hospital.

Act construed as supplementary to existing hospital facility laws.

SEC. 4. The provisions of this Act shall not be construed as repealing the provisions of any other Statute or Act authorizing the issuance of bonds and the levying of taxes for the construction, maintenance and operation of hospitals, health centers or other hospital facility as the words "hospital facility" are defined in G. S. 131-126.18 and likewise providing for a vote of the qualified voters in an election for the approval of such bond issue or tax levy. This Act shall be construed to be additional and supplementary to all statutes and provisions of law providing for such hospital facilities, their construction and operation by bond issues and tax levies approved by the vote

of the qualified voters in an election and shall not be construed to repeal the provisions of such Statutes and laws nor in any manner affect existing Statutes provided for such purposes.

Partial invalidity clause.

SEC. 5. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 276 **CHAPTER 768**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROCKINGHAM COUNTY TO PAY RUFUS CARTER FOR DAMAGES TO HIS AUTOMOBILE RESULTING FROM AN ACCIDENT WITH A COUNTY OWNED MULE.

Preamble: Rockingham County, damage to automobile of Rufus Carter by county-owned mule.

WHEREAS, the automobile of Rufus Carter, of Rockingham County, was damaged by being struck by a mule owned by Rockingham County; and

WHEREAS, said mule was running at large in the nighttime; and

WHEREAS, Rufus Carter, at the time of the accident, was operating his automobile in a lawful and prudent manner; and

Amount of damages.

WHEREAS, the damages to the automobile of Rufus Carter were in the amount of approximately four hundred dollars ($400.00): *Now, therefore,*

The General Assembly of North Carolina do enact:

Rockingham County, investigation and payment of claim of Rufus Carter authorized.

SECTION 1. The Board of Commissioners of Rockingham County is hereby authorized to investigate the claim of Rufus Carter for damages to his automobile and upon a finding that said damages were caused by a mule owned by Rockingham County and through no fault of the said Rufus Carter, the said board of commissioners is hereby authorized to pay to said Rufus Carter the amount of damages sustained by him as a result of said accident. Any payment made by said board of commissioners pursuant to the provisions of this Act shall not exceed the sum of four hundred dollars ($400.00).

Limitation on amount of payment.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 288 **CHAPTER 769**

AN ACT AUTHORIZING THE GOVERNING BODY OF THE TOWN OF TARBORO TO LEASE OR CONVEY A PART OF THE "TOWN COMMON" TO THE BOARD OF TRUSTEES OF THE TARBORO GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Town of Tarboro, sale or lease of portion of "Town Common" to trustees of Tarboro Graded School District.

SECTION 1. The Governing Body of the Town of Tarboro is authorized and empowered to lease or convey at private sale to the Board of Trustees of the Tarboro Graded School District any portion of that part of the "Town Common" lying North of Wilson Street, South of Park Avenue, East of St. Patrick Street and West of Panola Street; said property may be sold to the Board of Trustees of the Tarboro Graded School District at a nominal consideration but on the condition that when said property ceases to be used by said board of trustees for school purposes, the title thereto shall revert back to the Town of Tarboro and the said town may enter into possession of said property the same as if said conveyance to said board of trustees had never been made.

Reversion of property to town.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 311 **CHAPTER 770**

AN ACT RELATING TO THE METHOD OF APPOINTMENT OF THE TARBORO SCHOOL BOARD.

The General Assembly of North Carolina do enact:

Tarboro School Board, terms of incumbent members.

Appointment of successor members.

SECTION 1. The terms of office of all the incumbent members of the Tarboro School Board shall expire on April 1, 1949. The following six persons are hereby appointed members of the Tarboro School Board for terms of office beginning on April 1, 1949, as follows: Dr. S. P. Bass and Mr. Zeb Brinson for a term of two years; Mr. Dail Holderness and Mrs. Martha P. Spiers for a term of four years; and Mr. Romaine Howard and Mrs. Kathleen B. Moore for a term of six years. Their successors shall be appointed for terms of six years, by the Board of Commissioners of the Town of Tarboro, which shall make all appointments of members of the Tarboro School Board except as herein otherwise provided in the case of vacancies. The Tarboro School Board is authorized to make recommendations to the board of commissioners biennially with respect to such appointments. Said board of commissioners is not required, however, to follow such recommendations.

Recommendations as to appointments.

Vacancy appointments.

Any vacancy in the membership of the board occurring for any reasons other than expiration of a term shall be filled by appointment by the other members of the board of a person to serve the remainder of the unexpired term.

Appointment of additional member in event limits of City School Administrative Unit extended.

In the event any territory outside the corporate limits of the Town of Tarboro is brought within the limits of the Tarboro City School Administrative Unit, said board of town commissioners is authorized, in its discretion, but not required, to appoint, as an additional member of said Tarboro School Board, a person who resides in such territory lying outside the corporate limits of the Town of Tarboro.

Acts of Tarboro School Board validated.

SEC. 2. All acts heretofore done or performed by the Tarboro School Board are hereby validated and ratified to the same extent as if the members of the said Tarboro School Board had at any and all times been selected in the manner provided by Chapter 38 of the Private Laws of 1919.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 312 **CHAPTER 771**

AN ACT TO DEFINE THE JURISDICTION OF THE LAW ENFORCEMENT OFFICERS OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

City of Asheville, jurisdiction of law enforcement officers of Board of Alcoholic Control.

SECTION 1. The law enforcement officers employed and appointed by the City of Asheville Board of Alcoholic Control shall have the same powers and authorities within the County of Buncombe as are conferred by Subsection (o) of G. S. 18-45 upon the officers employed and appointed by the various county boards of alcoholic control. Nothing herein shall be interpreted as in any manner abridging the powers, authorities, and duties otherwise vested by law in the Sheriff of Buncombe County, and the law enforcement officers employed and appointed by the City of Asheville Board of Alcoholic Control shall fully cooperate with, assist, and work in close harmony with the Sheriff of Buncombe County in the performance of their duties.

Powers and authority of Sheriff of Buncombe County unabridged.

Cooperation of law enforcement officers with Sheriff.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 341 **CHAPTER 772**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR THE ANDREWS CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Andrews City Administrative Unit, membership of Board of Trustees; terms; powers and duties.

SECTION 1. The Board of Trustees of the Andrews City Administrative Unit shall be composed of six members, whose term shall begin the first Monday in April of the year 1949, and said board of trustees is hereby vested with all the authority, rights, powers, and duties which are now or may hereafter be granted to city administrative units under the general school laws of North Carolina.

Appointment of trustees.

SEC. 2. That H. M. Whitaker, J. H. Christy, W. A. Puett, F. S. Wilhide, Dr. Charles O. Van Gorder and James Bryson, Jr. be, and they are hereby, appointed trustees of the Andrews City Administrative Unit for a term of four years from and after the first Monday in April of the year 1949. The said trustees shall meet and organize on the said first Monday in April,

Organization.

1949, or as soon thereafter as possible and shall proceed to perform the duties now vested in trustees for administrative units. All vacancies occurring on said board of trustees by reason of death, resignation, or failure to qualify under this Act during said term shall be filled by the State Board of Education or its successors in office.

Vacancy appointments.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 367 CHAPTER 773

AN ACT PROVIDING FOR A SIX MAN JURY IN THE ANSON COUNTY SPECIAL COUNTY COURT.

The General Assembly of North Carolina do enact:

SECTION 1. In so far as it relates to a criminal county court established in Anson County, G. S. 7-394 is amended by striking out the word and figure "twelve" in line 12 and inserting in lieu thereof the word and figure "six".

G. S. 7-394, amended as jury trials, criminal county court, Anson County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 379 CHAPTER 774

AN ACT TO AUTHORIZE THE CITY OF NEWTON IN CATAWBA COUNTY TO SELL AT PRIVATE SALE ELEVATED WATER TANK AND WASH WATER TANK.

The General Assembly of North Carolina do enact:

SECTION 1. That the City of Newton, in Catawba County, in the discretion of its governing body, is hereby authorized and empowered to sell at private sale the old 75000 gallon elevated water tank situate and located on West Eleventh Street, and the 35000 gallon wash water tank, situate and located at the

City of Newton, private sale of certain water tanks authorized.

old filter plant, in the City of Newton, at such price as the governing body may approve.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 154 CHAPTER 775

AN ACT TO AMEND THE CONSTITUTION SO AS TO TRANSFER TO THE CHIEF JUSTICE OF THE SUPREME COURT THE AUTHORITY NOW EXERCISED BY THE GOVERNOR IN THE ASSIGNMENT OF JUDGES AND TO EMPOWER THE LEGISLATURE TO DEFINE THE JURISDICTION OF THE SPECIAL JUDGES.

The General Assembly of North Carolina do enact:

Article IV, Sec. 11, Constitution of N. C., amended.

SECTION 1. The Constitution of the State of North Carolina, be and is hereby amended by striking out Section 11, Article IV, and inserting in lieu thereof the following:

Judicial districts; rotation of judges.

SEC. 11. Judicial Districts; Rotation; Special Superior Court Judges; Assignment of Superior Court Judges by Chief Justice. Each Judge of the Superior Court shall reside in the district for which he is elected. The General Assembly may divide the State into a number of judicial divisions. The judges shall preside in the courts of the different districts within a division successively; but no judge shall hold all the courts in the same district oftener than once in four years. The General Assembly may provide by general laws for the selection or appointment of Special or Emergency Superior Court Judges not assigned to any judicial district, who may be designated from time to time by the Chief Justice to hold court in any district or districts within the State; and the General Assembly shall define their jurisdiction and shall provide for their reasonable compensation. The Chief Justice, when in his opinion the public interest so requires, may assign any Superior Court Judge to hold one or more terms of Superior Court in any district.

Special or emergency judges; jurisdiction and compensation.

Assignment by Chief Justice Supreme Court.

Submission of amendment to voters.

SEC. 2. This amendment shall be submitted to the qualified voters of the whole State at the general election to be held November 7, 1950.

Form of ballots.

SEC. 3. The electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed, "For

transferring to the Chief Justice of the Supreme Court the authority now exercised by the Governor in the assignment of judges and empowering the Legislature to define the jurisdiction of the special judges"; those opposed shall vote a ballot on which shall be printed, "Against transferring to the Chief Justice of the Supreme Court the authority now exercised by the Governor in the assignment of judges and the calling of special terms of court, and empowering the Legislature to define the jurisdiction of the special judges."

Conduct of election.

SEC. 4. The election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast shall be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of the State who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force in every part thereof from and after date of such certification.

Certification by Governor.

Enrollment.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 238 CHAPTER 776

AN ACT TO AMEND CHAPTER 297 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF 1931, RELATING TO THE ELECTION OF COUNTY COMMISSIONERS FOR RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Ch. 297, Public-Local Laws, 1931, amended as to election of county commissioners, Richmond County.

SECTION 1. Section 2 of Chapter 297 of the Public-Local and Private Laws of 1931 is hereby amended to read as follows:

"SECTION 2. One county commissioner shall be elected for each of the aforesaid districts by the qualified voters of each said district at the time and in the manner provided by law."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 259 CHAPTER 777

AN ACT TO AMEND CHAPTER 351 OF THE PRIVATE LAWS OF 1913 RELATING TO THE CHARTER OF THE TOWN OF DALLAS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 351, Private Laws, 1913, charter of town of Dallas, amended.

SECTION 1. That the Charter of the Town of Dallas, as revised and amended by Chapter 351 of the Private Laws of 1913, is hereby amended as follows:

That Section 3 thereof be amended so as to read as follows:

Biennial election of officials.

"SEC. 3. That an election shall be held for the Town of Dallas on the last Monday in June, 1949, and biennially thereafter, at which election there shall be elected, by the qualified voters of said town, a mayor and five aldermen, who shall be qualified voters of said town. That the election of said officers shall be conducted under the general election laws as prescribed by the General Assembly of North Carolina for the election of State and county officers. Each and every candidate for mayor and alderman shall pay to the town clerk a fee of five dollars ($5.00) for the placing of his or her name upon the ballots for said offices";

Conduct of election.

Filing fee of candidates.

Date on which terms of office shall begin.

That Section 5 of said charter be amended by striking out of the first line of said Section the words "first Monday in May, 1913", and inserting in lieu thereof the words "first day of July after the election".

Compensation of aldermen increased.

That Section 16 of said charter be amended by striking from line 2 the words "one dollar" and by inserting in lieu thereof the words "five dollars ($5.00)";

Salary of mayor increased.

That Section 17 of said charter be amended by striking from line 18 thereof the words "twenty-four" and by inserting in lieu thereof the words "two hundred".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 382 **CHAPTER 778**

AN ACT TO PROVIDE FOR A PENSION FOR RILEY D. SMITH, A FORMER EMPLOYEE OF THE CITY OF WILMINGTON.

Preamble: City of Wilmington, employment service to city of Riley D. Smith.

Not employed at time of enactment of retirement system law.

WHEREAS, Riley D. Smith originally became an employee of the City of Wilmington in 1905, and continued in the employ of said city for a period of thirty-eight years. He left the employ of the city on September 17, 1942, but was not employed by the City of Wilmington at the time of the enactment of a law providing a retirement system for certain city employees on March 9, 1943; and he is, therefore, not entitled to receive pension or benefit conferred by or authorized by said Act; and

Desire of city to grant pension to Smith for services.

WHEREAS, it is the wish and desire of the Governing Body of the City of Wilmington to grant and pay a monthly pension to the said Riley D. Smith on account of his long years of public service, and to make an annual appropriation sufficient for said purpose; and it is also the desire of said Governing Body of the City of Wilmington to pay to the said Riley D. Smith in monthly installments a pension in the amount and in the manner as hereinafter set forth: *Now, therefore,*

The General Assembly of North Carolina do enact:

City of Wilmington, payment of monthly pension to Riley D. Smith authorized.

SECTION 1. That the Governing Body of the City of Wilmington is hereby authorized, empowered and directed to pay to Riley D. Smith for the remainder of his natural life in recognition of his long years of public service a monthly pension in the sum of seventy-five dollars and seventy-eight cents ($75.78), the first of said monthly installments to be paid on the first day of March, 1949, and a similar monthly installment to be paid on the first day of each succeeding month thereafter during the life of said Riley D. Smith. The Governing Body of the City of Wilmington is hereby further directed to make the necessary appropriations to cover said pension payments and to pay the same when due from the general fund of said city.

Appropriation to cover pension payments.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 402 CHAPTER 779

AN ACT TO AMEND CHAPTER 385 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATING TO PENSIONS FOR SCHOOL TEACHERS IN NEW HANOVER COUNTY, AS AMENDED BY CHAPTER 206 OF THE SESSION LAWS OF 1943 SO AS TO INCLUDE WITHIN THE PROVISIONS OF SAID ACT AS AMENDED ALL EMPLOYEES EMPLOYED ON A FULL TIME BASIS BY THE NEW HANOVER COUNTY SCHOOL SYSTEM.

The General Assembly of North Carolina do enact:

Ch. 385, Public-Local Laws, 1921, pensions for school teachers, New Hanover County, amended to include all employees of school system.

SECTION 1. That Chapter 385 of the Public-Local Laws of 1921, as amended by Chapter 206 of the Session Laws of 1943, be and the same is hereby amended by adding a new Section to be designated as Section 3(b) to read as follows: "That in addition to the person or persons specifically designated, described, and referred to in this Act, as amended, the provisions set forth and the benefits conferred in said Acts be and they are hereby extended so as to include all employees employed on a full time basis by the New Hanover County Public School System."

Application of Act.

SEC. 2. This Act shall apply to New Hanover County only.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after March 1, 1949.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 406 CHAPTER 780

AN ACT TO MAKE MRS. MARGARET NIXON ELIGIBLE FOR BENEFITS UNDER THE RETIREMENT SYSTEM OF THE COUNTY OF NEW HANOVER AND THE RETIREMENT SYSTEM OF THE CITY OF WILMINGTON.

Preamble: Service of Mrs. Margaret Nixon as public health nurse, New Hanover County and City of Wilmington.

Resignation.

WHEREAS, Mrs. Margaret Nixon was engaged in the duty of public health nursing in the City of Wilmington and in the County of New Hanover from February, 1922 until November 30, 1943, when reasons of health compelled her resignation as a public health nurse, she then being under the employment of the Consolidated Board of Health of Wilmington and New Hanover County; and

Considered ineligible for pensions under Employee Retirement Systems.

WHEREAS, at the time of her resignation it was not considered that she was eligible for a pension under the Employee Retirement Systems of Wilmington and New Hanover County; and,

WHEREAS, in the case of "H. W. Hunter, et al, vs. Board of Trustees of the Retirement Systems of the City of Wilmington", it was held by the Supreme Court of North Carolina that employees of the Consolidated Board of Health of New Hanover County were joint employees of the City of Wilmington and New Hanover County, and as such were entitled to be treated as eligible employees and to be placed upon the pension rolls of said retirement system; and,

Supreme Court ruling as to eligibility of employees of Consolidated Board of Health.

WHEREAS, the relation of Mrs. Margaret Nixon to the Consolidated Board of Health of New Hanover County and the duties performed by her for many years in connection with her employment were in the interest of public health and were such that, at the time of her retirement because of the condition of her health, she was entitled to be treated as a joint employee of the County of New Hanover and the City of Wilmington within the purview and meaning of the Acts creating the respective retirement systems: *Now, therefore,*

Status of joint employee of county and city.

The General Assembly of North Carolina do enact:

SECTION 1. That Mrs. Margaret Nixon, at the time of her retirement from employment by the Consolidated Board of Health of New Hanover County on November 30, 1943, was a joint employee of the County of New Hanover and the City of Wilmington, and, therefore, entitled at the time to have become an eligible member of the Retirement Systems of the County of New Hanover and the City of Wilmington; further, that upon payment to the trustees of said retirement systems, of such payroll deductions as she might have been responsible for had she been considered an eligible member of the retirement systems at the time of her resignation, her name shall be placed upon the pension rolls of said retirement systems and she shall thereupon be entitled to receive the full benefits allowed thereby.

Mrs. Margaret Nixon declared eligible member of Retirement Systems of New Hanover County and City of Wilmington.

Upon payment of payroll deductions, Mrs. Nixon's name placed on pension rolls.

SEC. 2. That all laws and clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 719 **CHAPTER 781**

AN ACT TO VALIDATE BONDS HERETOFORE ISSUED BY TOWNESVILLE TOWNSHIP, IN VANCE COUNTY, NORTH CAROLINA, AND TO AUTHORIZE THE ISSUANCE OF REFUNDING BONDS.

Preamble: Vance County, outstanding and unpaid bonds of Townesville Township.

WHEREAS, there have heretofore been issued and there are now outstanding and unpaid bonds of Townesville Township, in Vance County, North Carolina, in the aggregate principal amount of $44,000.00 dated July 10, 1919, bearing interest at the rate of five per cent (5%) per annum and maturing July 10, 1949;

Authority for issuance of bonds.

WHEREAS, said bonds were issued pursuant to Chapter 64 of the Public Laws of 1917, as amended, were approved by the vote of a majority of the qualified voters of said township, and were duly delivered for value: *Now, therefore,*

The General Assembly of North Carolina do enact:

Vance County, Townesville Township bonds validated.

SECTION 1. That the bonds of Townesville Township which are described in the foregoing preambles be and the same are hereby in all respects validated and confirmed and declared to constitute valid subsisting bonded indebtedness of Townesville Township in Vance County, North Carolina.

Refunding bonds authorized.

SEC. 2. That the Board of Commissioners for the County of Vance is hereby authorized and empowered to issue at one time or from time to time, in accordance with the provisions of Chapter 159, Article 3, of the General Statutes of North Carolina, negotiable bonds of Townesville Township to refund all or any part of the Townesville Township bonds dated July 10, 1919, and described in the foregoing preambles. In each year while any of such refunding bonds shall be outstanding there shall be levied upon all taxable property within Townesville Township a special tax sufficient to pay the principal of and the interest on all such refunding bonds as the same become due and payable, which tax shall be in addition to all other taxes authorized or limited by law. The General Assembly does hereby give its special approval to the levy of said tax for said special purpose.

Special tax levy for payment of refunding bonds.

Approval of General Assembly of tax levy.

Powers granted declared supplemental.

SEC. 3. The powers granted by this Act are granted in addition to and not in substitution for existing powers.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 762 CHAPTER 782

AN ACT TO AMEND SECTION 105-69 OF THE GENERAL STATUTES RELATIVE TO THE PRIVILEGE LICENSE TAX ON SOFT DRINK BOTTLERS.

The General Assembly of North Carolina do enact:

SECTION 1. Subsection (a) of Section 105-69 of the General Statutes is hereby amended by inserting in said Subsection, immediately following the schedule of license tax fees for low-pressure equipment, the following: G. S. 105-69, license tax on soft drink bottlers, producers, etc., amended.

"*Provided,* that counter-pressure or pre-mix fillers shall be deemed to have the following equivalent capacities and shall be taxed in accordance with the above schedule upon the basis of the nearest equivalent capacity; 24 spout pre-mix, equivalent to 40 spout low-pressure; 34 spout pre-mix, equivalent to 50 spout low-pressure; 40 spout pre-mix, equivalent to 60 spout low-pressure. For a 50 spout counter-pressure or pre-mix filler, the tax shall be two thousand and one hundred dollars ($2,100.00)". Tax on counter-pressure or pre-mix fillers.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after June 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 764 CHAPTER 783

AN ACT REGULATING THE FEES OF THE SHERIFF OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Buncombe County shall collect or be entitled to collect the following fees and expenses, namely: Buncombe County, fees of Sheriff.

Executing summons, orders and notices, two dollars and fifty cents ($2.50).

Arrest of a defendant in a civil action, including attendance to justify, three dollars ($3.00) and one dollar ($1.00) for taking bail.

Arrest of defendants in criminal cases, three dollars ($3.00) plus one dollar ($1.00) for taking bail.

Imprisonment of any prisoner in a civil or criminal action, one dollar ($1.00) and release from prison, one dollar ($1.00).

Executing subpoenas on witnesses, one dollar ($1.00).

Buncombe County, fees of Sheriff (cont'd).

Conveying a prisoner to jail from another county, twenty-five cents (25c) per mile. For prisoner's guard ten dollars ($10.00) per day or any fraction thereof.

For allotment of widow's yearly allowance, three dollars ($3.00).

In claim and delivery for serving the original papers for one defendant the sum of five dollars ($5.00) and two dollars ($2.00) for each additional defendant therein named, with the actual cost of keeping the property until discharged by law.

Collecting executions for money in civil actions five per cent (5%) of the amount collected and the same commission for all moneys which may be paid to the plaintiff by the defendant while the execution is in the hands of the sheriff.

Advertising a sale of property under execution at each public place required, twenty-five cents (25c).

Seizing specific property, under order of a court, or executing any other order of the court or judge, not specifically provided for, three dollars ($3.00), and any other actual expenses connected therewith.

Taking any bond or undertaking not otherwise provided for, one dollar ($1.00).

All actual expenses of keeping property seized under order of the court or otherwise and one dollar ($1.00) per day for all property stored in the Court House of Buncombe County, North Carolina.

Twenty-five cents (25c) for each person summoned on special venire.

For serving any order or writ not otherwise provided for, two dollars ($2.00).

All fees paid to any printer for an advertisement required by law to be printed.

Bringing up a prisoner to testify or answer to any court or before any judge, two dollars ($2.00), and ten dollars ($10.00) per day for any guard if necessary.

For summoning and qualifying appraisers, in laying off homesteads and personal property exemptions, or either, five dollars ($5.00).

For levying an attachment and serving all papers therein, with the exception of the notices of sale and execution, five dollars ($5.00) for the first defendant and for each additional defendant therein the sum of two dollars ($2.00).

For attendance to qualify jurors to lay off dower or commissioners to lay off allowance, three dollars ($3.00).

Attendance to qualify commissioners for any other purpose, two dollars ($2.00). Buncombe County, fees of Sheriff (cont'd).

Executing a deed for land or any interest in land sold under execution, five dollars ($5.00), to be paid by the purchaser.

Service of writ of ejectment, three dollars ($3.00).

For every execution, in either civil or criminal cases, two dollars ($2.00).

Whenever any precept or process shall be directed to the Sheriff of Buncombe County, to be served out of his county, said sheriff shall have for such service not only the fees hereinbefore allowed, but a further compensation of ten cents (10c) for every mile of travel going to and returning from service of such precept or process.

All prisoners confined in the common jail of Buncombe County, North Carolina, shall pay as a jail fee the sum of one dollar and fifty cents ($1.50) per day confined therein.

SEC. 2. That upon receipt of any fees herein allowed, it shall be the duty of the sheriff or any deputy sheriff of said county to remit the same to the Treasurer of Buncombe County in accordance with the provisions of Chapter 77 of the Public-Local Laws of 1923. Remission of fees to Treasurer of Buncombe County.

SEC. 3. That the fees herein provided for shall in proper cases be collected by the clerk of the domestic relations court, the clerk of the police court, the Clerk of the Superior Court, or any other persons authorized to receive the same and pay directly to the Treasurer of Buncombe County, North Carolina. Collection of fees.

SEC. 4. That all laws and clauses of laws in conflict with this Act be, and the same are hereby, repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 765 CHAPTER 784

AN ACT RELATING TO SALARIES OF THE DEPUTY SHERIFFS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of Chapter 761 of the Session Laws of 1947 is hereby rewritten to read as follows: Ch. 761, Session Laws, 1947, amended.

Buncombe County, deputy sheriffs assigned to county jail.

"SEC. 2. The Sheriff of Buncombe County shall keep one deputy on duty at all times in the male division of the Buncombe County Jail and one deputy on duty in the female division of said county jail, each of whom shall be on duty for a period of not less than eight hours a day; and such deputies on duty in the male division shall be paid the sum of two hundred and thirty dollars ($230.00) per month, each, and deputies on duty in the female division shall be paid the sum of one hundred and fifty dollars ($150.00) per month, each."

Compensation.

Compensation of deputy on desk duty increased.

SEC. 2. Section 3 of Chapter 761 of the Session Laws of 1947 is hereby amended by striking out in line 4 thereof the words and figures, "one hundred and ninety dollars ($190.00)" and inserting in lieu thereof the words and figures "two hundred and thirty dollars ($230.00)".

Compensation of deputies on duty outside office increased.

SEC. 3. Section 4 of Chapter 761 of the Session Laws of 1947 is hereby amended by striking out in line 7 thereof the words and figures "one hundred and ninety dollars ($190.00)", and inserting in lieu thereof the words and figures "two hundred and thirty dollars ($230.00)".

Compensation of chief deputy sheriff increased.

SEC. 4. Section 5 of Chapter 761 of the Session Laws of 1947 is hereby amended by striking out in lines 3 and 4 thereof the words and figures "two hundred and forty dollars ($240.00)", and inserting in lieu thereof the words and figures "two hundred and eighty dollars ($280.00)".

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 6. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 807 CHAPTER 785

AN ACT TO AMEND ARTICLE 8 OF CHAPTER 90 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE PRACTICE OF CHIROPRACTIC.

The General Assembly of North Carolina do enact:

G. S. 90-144, amended.

SECTION 1. Amend G. S. 90-144 by rewriting said Section so that the same shall hereafter read as follows:

Meetings of N. C. Chiropractic Association.

Meetings of N. C. Board of Chiropractic Examiners.

"SEC. 90-144. Meetings of association and board of examiners. The North Carolina Chiropractic Association shall meet at least once a year at such time and place as said Association shall determine. The North Carolina Board of Chiropractic Examiners shall meet at least once a year at such time and place as said

board shall determine at which meetings applicants for license shall be examined."

SEC. 2. Amend G. S. 90-145 by rewriting said Section so that the same shall hereafter read as follows: G. S. 90-145, amended.

"SEC. 90-145. Grant of license; temporary license. The Board of Chiropractic Examiners shall grant to each applicant who is found to be competent, upon examination, a license authorizing him or her to practice chiropractic in North Carolina. Said board may grant a temporary license to any applicant who shall comply with the requirements of this Article as to proof of good character and of graduation from a chiropractic school or college as prescribed in this Article; but such temporary license shall not continue in force longer than until the next meeting of said board, and in no case shall a temporary license be granted to an applicant who has already been refused a license by said board." Grant of license to practice chiropractic; temporary license.

SEC. 3. Amend G. S. 90-154 by striking out the period at the end of said Section and inserting in lieu thereof a comma and by adding the following: G. S. 90-154, grounds for refusal or revocation of license, amended.

"unethical advertising, unprofessional or dishonorable conduct unworthy of and affecting the practice of his profession."

SEC. 4. Amend G. S. 90-156 by inserting after the word "seal", and before the word "and" in line 11 the following: G. S. 90-156, amended as to payment of authorized expenditures by board of examiners.

"providing for programs for licensed doctors of chiropractic in North Carolina,".

SEC. 5. All laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 845 **CHAPTER 786**

AN ACT TO AUTHORIZE THE BOARD OF SCHOOL COMMISSIONERS OF THE CITY OF CHARLOTTE AS THE GOVERNING BODY OF THE CHARLOTTE ADMINISTRATIVE UNIT TO ESTABLISH AND OPERATE A COMMUNITY COLLEGE SYSTEM AND TO LEVY SPECIAL TAXES FOR THE MAINTENANCE THEREOF AFTER APPROVAL BY THE VOTERS OF SAID CITY.

Preamble: City of Charlotte Administrative Unit, educational opportunities.

WHEREAS, the people residing in the City of Charlotte Administrative Unit have exhibited on all occasions a desire to provide the best possible educational opportunities; and

Adequacy of present facilities.

WHEREAS, the present facilities as provided have met all standards and requirements of the State Department of Public Instruction and the Southern Association of College and Secondary Schools; and

Supplemental programs furnished by extension facilities of University of N. C.

WHEREAS, as a supplement to the educational facilities offered in the City of Charlotte, the University of North Carolina, through its extension facilities, is presently operating in conjunction with said City of Charlotte Administrative Unit a two year junior college; and

University will not continue service.

WHEREAS, it appears that the University of North Carolina is not presently contemplating continuing such supplemental education; and

Public purpose served by supplemental education.

WHEREAS, it is hereby found as a fact that such two years supplemental education for the citizens of Charlotte is for a public purpose; and

Addition of Community College System to educational facilities deemed expedient.

WHEREAS, it now appears that in keeping with the traditions and desires of the citizens of Charlotte to provide the best educational facilities possible for its citizens it is deemed expedient and wise to extend the local educational facilities available to its citizens by the addition of a two year Community College System within the City of Charlotte Administrative Unit: *Now, therefore,*

The General Assembly of North Carolina do enact:

City of Charlotte Administrative Unit, establishment of Community College System authorized.

SECTION 1. That, the Board of School Commissioners of the City of Charlotte as the Governing Body of the City of Charlotte Administrative Unit, is authorized and empowered in its discretion, and at such time as it may determine to do so, to establish and conduct in the City of Charlotte Administrative Unit as now or hereafter constituted, a Community College System, to consist of two years of instruction of college grade and/or terminal education, the curriculum and standards to be subject to the approval of the State Superintendent of Public Instruction.

Curriculum and standards.

Tuition; rules and regulations.

A reasonable amount can be charged for tuition of students. The board of school commissioners may make such rules and

regulations as may be necessary and proper for the conduct of said System.

Use of existing facilities and equipment.

SEC. 2. That, the board of school commissioners is hereby authorized and empowered to use existing buildings, equipment and facilities provided for the constitutional school term that are or may hereafter be under their control and supervision when not in use or otherwise needed, to be used in connection with the constitutional school term for such Community College System, and to provide such other facilities and equipment as may be necessary for the operation thereof.

Employment of necessary officers, teachers and employees.

The said board of school commissioners is authorized and empowered to employ such officers, teachers and other employees as may be necessary for the operation of such System and to provide for the administration thereof, and to prescribe the titles and duties of all such officers, teachers, and other employees. The said Community College System shall be supplemental to the public school system conducted by the Board of School Commissioners of the City of Charlotte for the City of Charlotte Administrative Unit.

College system to be supplemental to public school system.

Use of certain surplus funds as supplement to tuition fees.

SEC. 3. As a supplement to tuition fees in order to provide funds for endowment and operation of such Community College System, the board of school commissioners is hereby authorized to use surplus funds, if any, arising from the operation of the constitutional school term by city school commissioners, such funds to be from other than tax levies, and in no event shall there be used for such purposes in any one year, more than ten thousand ($10,000.00) dollars per unit of such Community College System.

Election on question of levy of special tax for benefit of College System.

SEC. 4. The Board of School Commissioners of the City of Charlotte Administrative Unit, with the approval of the City Council of the City of Charlotte and the State Board of Education, in order further to supplement the moneys provided for in Section 1 and Section 3 of this Act, may call upon the county board of elections which shall hold a special election in said unit as provided in Articles 22, 23, and 24 of Chapter 115 of the General Statutes of North Carolina, and if a majority of the votes cast in said election shall be in favor of the levy annually of a special tax, the same shall be levied by the City Council of the City of Charlotte; *provided, however,* such local annual taxes shall not exceed five (5) cents on the $100.00 valuation of all property, real and personal, in said unit; and *provided further,* that the ballots used in said election shall have written or printed thereon: "For Local Tax for Community College System" and "Against Local Tax for Community College System", and all other details of said election shall be fixed by the board or other governing body ordering the election; and the expenses of holding and conducting the election shall be provided by the Board of School Commissioners of the City of Charlotte out of the current expense fund of said unit.

Form of ballot.

Conduct of election.

Expenses of election.

Acceptance and administration donated funds.

SEC. 5. The Board of School Commissioners of the City of Charlotte are hereby authorized and empowered for the purposes of this Act to receive by gift lands, buildings, equipment, money, or anything of value, to be used either in the endowment of said Community College System, or for the operating purposes thereof, as such donors may specify. Unless such donors shall specify how said gift or gifts are to be held and used, the board of school commissioners may use such gift for such purpose as in their discretion is deemed wise, and for the best interest of the Community College System within the purposes of this Act.

Transfer of title to assets.

SEC. 6. Title to any assets acquired by the Board of Commissioners of the City of Charlotte under this Act may be transferred, as by law provided for the transfer of assets used in operation of the constitutional school term; subject, however, to any conditions that may be set forth in deeds or gift or conveyance of property by donors under Section 5 of this Act.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 880 CHAPTER 787

AN ACT TO REPEAL THE FIRST SENTENCE OF SECTION 8 OF THE CHARTER OF THE TOWN OF RAEFORD, AS AMENDED BY SECTION 4 OF CHAPTER 315 OF THE 1943 SESSION LAWS RELATING TO THE LEVY AND COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

Ch. 125, Private Laws, 1901, amended as to levy and collection of taxes, Town of Raeford.

SECTION 1. That the first sentence of Section 8 of Chapter 125 of the Private Laws of 1901, said Chapter being the Charter of the Town of Raeford in the County of Hoke, as said sentence was amended by Section 4 of Chapter 315 of the 1943 Session Laws and which sentence relates to the levy and collection of taxes, shall be and the same is hereby repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 882 **CHAPTER 788**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HERTFORD COUNTY TO FIX THE SALARIES OF CERTAIN COUNTY OFFICIALS.

The General Assembly of North Carolina do enact:

Hertford County, salary of Tax Collector and Tax Supervisor.

SECTION 1. The salary of the Tax Collector and Tax Supervisor of Hertford County shall be not less than twenty-four hundred dollars ($2400.00) per annum, plus an additional amount of six hundred dollars ($600.00) for mileage, nor more than three thousand dollars ($3,000.00) per annum, plus an additional amount of six hundred dollars ($600.00) for mileage, to be determined by the board of county commissioners of said county.

Mileage allowance.

Salary of Register of Deeds.

SEC. 2. The salary of the Register of Deeds of Hertford County shall be not less than twenty-seven hundred fifty dollars ($2750.00) per annum nor more than thirty-four hundred fifty dollars ($3450.00) per annum, to be determined by the board of county commissioners of said county.

Salary of Clerk of the Superior Court.

SEC. 3. The salary of the Clerk of the Superior Court of Hertford County shall be not less than three thousand fifty dollars ($3,050.00) per annum nor more than thirty-eight hundred dollars ($3800.00) per annum, to be determined by the board of county commissioners of said county.

Salary of County Accountant.

SEC. 4. The salary of the County Accountant of Hertford County shall be not less than twenty-four hundred dollars ($2400.00) per annum nor more than three thousand dollars ($3,000.00) per annum, to be determined by the board of county commissioners of said county.

Salary of Sheriff.

SEC. 5. The salary of the Sheriff of Hertford County shall be not less than twenty-two hundred fifty dollars ($2250.00) per annum nor more than twenty-eight hundred dollars ($2800.00) per annum, to be determined by the board of county commissioners of said county.

Payment of salaries.

SEC. 6. The salaries fixed for the county officials provided for in this Act shall be paid to said officials in twelve equal monthly installments.

Salary of Deputy Clerk of the Superior Court.

SEC. 7. The salary of the Deputy Clerk of the Superior Court of Hertford County shall be not more than fifteen hundred dollars ($1500.00) per annum, to be determined by the board of county commissioners of said county.

Salary of Deputy Register of Deeds.

SEC. 8. The salary of the Deputy Register of Deeds of Hertford County shall be not more than eighteen hundred dollars ($1800.00) per annum, to be determined by the board of county commissioners of said county.

Conflicting laws repealed.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 889 **CHAPTER 789**

AN ACT TO AMEND CHAPTER 548 OF THE SESSION LAWS OF 1947, RELATING TO THE CHARTER OF THE TOWN OF BROADWAY IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 548, Session Laws, 1947, amended.

SECTION 1. That Section 2 of Chapter 548 of the 1947 Session Laws of North Carolina be amended by striking out all of said Section and inserting in lieu thereof the following:

Town of Broadway, corporate limits defined.

"SEC. 2. The corporate limits of the Town of Broadway shall be as follows:

Beginning at a point, N. 60 degrees W. 3200 feet from the center of the Atlantic and Western Railroad Depot in the Town of Broadway as described in the original charter, which point is more fully described as the intersection of the center line of Highway U. S. No. 421 with the center line of the Atlantic and Western Railroad; running thence S. 21 degrees 18 minutes E. 6990 feet to a corner; thence S. 82 degrees 43 E. 1900 feet to the Lee-Harnett County line; thence with the Lee-Harnett County line N. 40 degrees 02 minutes E. 900 feet to the center of the Highway U. S. No. 421; thence continuing in the same direction with the county line, 1100 feet to a corner; thence N. 13 degrees 18 minutes W. 7000 feet to a corner; thence S. 68 degrees 47 minutes W. 4400 feet to the beginning. All bearings refer to true North as determined by observation of Polaris for Azimuth."

Chapter further amended to increase number of town commissioners.

SEC. 2. Section 3 of Chapter 548 of the 1947 Session Laws of North Carolina is hereby amended by striking out the words "three town commissioners" appearing in line 6 of said Section, and inserting in lieu thereof the words "five town commissioners", and by striking out the words "three town commissioners" appearing in line 7 of said Section, and inserting in lieu thereof the words "five town commissioners".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 897 CHAPTER 790

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF MOORE COUNTY TO FIX THE SALARY OF THE JUDGE AND THE SOLICITOR OF THE MOORE COUNTY RECORDER'S COURT WITHIN CERTAIN LIMITS.

The General Assembly of North Carolina do enact:

Moore County, Recorder's Court, salary of Judge.

SECTION 1. From and after the first of the month following the ratification of this Act, the Board of County Commissioners of Moore County is authorized to fix the salary of the Judge of the Moore County Recorder's Court, in an amount of not less than one thousand eight hundred dollars ($1,800.00) nor more than two thousand eight hundred dollars ($2,800.00) per annum, payable in twelve equal monthly installments.

Salary of Solicitor.

SEC. 2. From and after the first of the month following the ratification of this Act, the Board of County Commissioners of Moore County is authorized to fix the salary of the Solicitor of the Moore County Recorder's Court, in an amount of not less than one thousand four hundred dollars ($1,400.00) nor more than two thousand four hundred dollars ($2,400.00) per annum, payable in twelve equal monthly installments.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 923 **CHAPTER 791**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF HERTFORD COUNTY TO LEVY A TAX FOR THE SUPPORT, OPERATION AND MAINTENANCE OF THE ROANOKE-CHOWAN HOSPITAL, INC., A NON-PROFIT ORGANIZATION.

The General Assembly of North Carolina do enact:

Hertford County, election on special tax levy for operation and maintenance of Roanoke-Chowan Hospital, Inc.

SECTION 1. The Board of County Commissioners of Hertford County may, by a majority vote of the board, after fifteen days' notice at the courthouse door and one publication in one or more newspapers published in Hertford County, order a special election to be held at such time as they may fix, to determine the will of the people of the county as to whether or not the Board of County Commissioners of Hertford County shall levy a special annual tax not to exceed fifteen cents (15c) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in Hertford County, which said tax, and the proceeds derived from same, shall be set aside and used as a fund for financing the cost of operation, equipment and maintenance of the Roanoke-Chowan Hospital, Inc., a non-profit organization and hospital operated for the public and for the treatment of charitable and indigent cases. The question of levying such special annual tax shall be submitted to the qualified voters of the county at an election to be held as hereinbefore provided. The rate or amount of such tax or taxes for which a levy may be made hereunder shall be determined by the Board of County Commissioners of Hertford County not to exceed fifteen cents (15c) on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in Hertford County, and a ballot shall be furnished to each qualified voter at said election, which ballot may contain the words "For Hospital Maintenance Tax (briefly stating any other pertinent information)," and "Against Hospital Maintenance Tax (briefly stating any other pertinent information)," with squares in front of each proposition, in one of which squares the voter may make a cross mark (X); but any other form of ballot containing adequate information and properly stating the question to be voted upon shall be construed as being in compliance with this Act. Such election shall be held in the same method and manner and under the same rules and provisions of law as elections held under Article 9 of Chapter 153 of the General Statutes, the same being designated as the County Finance Act, as amended, and said election may be held at any time fixed by the Board of County Commissioners of Hertford County and regardless of whether or not the same is held one month before or after any regular election for county officers or any other special election. The tax levy herein provided for shall not be effective unless approved by a majority of those who shall vote thereon in such election held for such purpose.

Rate of tax.

Form of ballot.

Conduct of election.

Tax levy not effective unless approved by majority vote.

SEC. 2. The powers granted by this Act shall be in addition to, and not as a substitute for, existing powers of said county to levy taxes to finance the cost of operation, equipment and maintenance of any hospital facilities or nonprofit hospital.

Powers herein granted declared supplemental.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 946 CHAPTER 792

AN ACT RELATING TO THE COMPENSATION OF THE SHERIFF, THE REGISTER OF DEEDS AND THE CLERK OF THE SUPERIOR COURT OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Sheriff of Davidson County shall be paid in equal monthly installments an annual salary of forty-two hundred dollars ($4200.00) and an annual travel allowance of twelve hundred dollars ($1200.00). Such salary and travel allowance shall be in addition to all allowances now provided by law for clerk, assistants and deputies.

Davidson County, salary of Sheriff.

Travel allowance.

SEC. 2. The Register of Deeds of Davidson County shall be paid in equal monthly installments an annual salary of three thousand three hundred and fifty dollars ($3,350.00) and an annual travel allowance of six hundred dollars ($600.00). Such salary and travel allowance shall be in addition to all allowances now provided by law for clerk, assistants and deputies.

Salary of Register of Deeds.

Travel allowance.

SEC. 3. The Clerk of the Superior Court of Davidson County shall be paid in equal monthly installments an annual salary of three thousand six hundred dollars ($3,600.00) and an annual travel allowance of six hundred dollars ($600.00). Such salary and travel allowance shall be in addition to all allowances now provided by law for clerks, assistants and deputies.

Salary of Clerk of the Superior Court.

Travel allowance.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 960 CHAPTER 793

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF POLK COUNTY TO LEVY AN AD VALOREM PROPERTY TAX OF NOT MORE THAN TEN CENTS IN TRYON TOWNSHIP FOR THE PURPOSE OF MAINTAINING HARMON FIELD AS A COMMUNITY RECREATION GROUND.

The General Assembly of North Carolina do enact:

Polk County, Tryon Township, special election on tax levy for maintenance of community recreation ground.

SECTION 1. Subject to the approval of a majority of the voters voting in a township election provided for in this Act, the Board of Commissioners of Polk County is hereby authorized and empowered, in its discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax of not more than ten cents (10c) on each one hundred dollars ($100.00) of property in Tryon Township in Polk County, the proceeds of such levy to be used in maintaining Harmon Field as a community recreation ground. Such tax is hereby declared to be for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given.

Tax declared for special purpose.

Call of election.

SEC. 2. The Board of Commissioners of Polk County is hereby authorized and directed to call on the County Board of Elections of Polk County to hold an election in Tryon Township in Polk County within sixty (60) days after the ratification of this Act on the question of the approval of the tax levy described in Section 1. The election shall be called, held and conducted, and the returns canvassed and the result declared as near as may be in conformity with the general election laws of the State. No new registration of voters shall be necessary.

Conduct of election.

Form of ballot.

The ballot used in said election shall be in substantially the following form:

Tryon Township Harmon Field Tax Levy

☐ For Ad Valorem Tax Levy Not Exceeding Ten Cents to Maintain Harmon Field

☐ Against Ad Valorem Tax Levy Not Exceeding Ten Cents to Maintain Harmon Field

Those voters favoring the tax levy described in Section 1 shall make a cross or check mark in the square opposite the words "For Ad Valorem Tax Levy Not Exceeding Ten Cents To Maintain Harmon Field", and those opposing such tax levy shall make a cross or check mark opposite the words "Against Ad Valorem Tax Levy Not Exceeding Ten Cents To Maintain Harmon Field".

If a majority of the voters voting in said election vote for such tax levy, then the board of commissioners is authorized to exercise the power and authority described in Section 1.

Levy of tax in event of majority vote therefor.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 961 **CHAPTER 794**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF RICHMOND COUNTY TO DELEGATE CERTAIN AUTHORITY TO A TRUSTEE OR GROUP OF TRUSTEES OF RICHMOND COUNTY MEMORIAL HOSPITAL, INCORPORATED, FOR THE PLANNING, ESTABLISHMENT AND CONSTRUCTION OF A PUBLICLY-OWNED HOSPITAL.

WHEREAS, the Board of County Commissioners of Richmond County contemplate the planning, establishment and construction of a publicly-owned hospital for the benefit of the sick and afflicted citizens of said county; and

Richmond County, contemplated construction of publicly-owned hospital.

WHEREAS, it is necessary, because of the amount of detailed work involved, that the said board of county commissioners be authorized to delegate some of the duties involved in said undertaking: *Now, therefore,*

Necessity for delegation of duties.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Richmond County is hereby authorized and empowered, in its discretion, by resolution of said board to vest in any trustee or group or committee of trustees of the Richmond County Memorial Hospital, Incorporated, a nonprofit corporation, any and all authority necessary and any and all authority that said board of commissioners may have under Article 13B of Chapter 131 of the General Statutes in any trustee or group or committee of trustees of the Richmond County Memorial Hospital, Incorporated, for the planning, establishment and construction of any publicly-owned hospital which said board of commissioners shall undertake to plan, establish or construct. The powers, duties and tenure of said trustee, group or committee of trustees shall be prescribed in the resolution, and the acts, undertakings and exercise of duties on the part of said trustee, group or committee of trustees shall be the acts and undertakings of the Board of County Commissioners of Richmond County with respect to said hospital work. All work, plans and undertakings of said

Richmond County, delegation of authority of board of commissioners under G. S. Ch. 131, Art. 13B authorized.

Powers, duties and tenure of designated authority.

Plans and contracts subject to approval of board of county commissioners.

trustee, group or committee of trustees shall be subject to the approval of the Board of County Commissioners of Richmond County, and no contract shall be entered into or funds spent unless such contracts or expenditures are approved by the Board of County Commissioners of Richmond County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 963 **CHAPTER 795**

AN ACT TO AUTHORIZE THE ISSUANCE IN MICRO SCHOOL DISTRICT IN JOHNSTON COUNTY OF SCHOOL BUILDING BONDS IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS ($50,000.00) SUBJECT TO A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Johnston County, Micro School District, special election on issuance of school building bonds.

SECTION 1. If the local school committee of Micro School District in Johnston County shall, within two years, so petition, the Board of Commissioners of Johnston County shall order a special election to be held in Micro School District for the purpose of voting upon the question of issuing bonds and/or notes, in an amount not to exceed fifty thousand dollars ($50,000.00), and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in such district, or for any one or more of said purposes. In all such elections the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon filing with it of the election returns by the officers holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in such district. The notice shall state the date of the election, the place or places at which the election will be held, the boundary lines of such district, the maximum amount of bonds and/or notes to be issued, the purpose or purposes for which the bonds and/or notes are to be issued, and the fact that a sufficient tax will be levied on all taxable property within the district for the payment of the principal and interest of the bonds and/or notes. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of such dis-

Conduct of election.

Notice of election.

Contents of notice.

trict or unit shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in such district at least thirty days before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of registration shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be in substantially the words: "For the issuance of $..... School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof", and "Against the issuance of $..... School Bonds and/or Notes and the levying of a sufficient tax for the payment thereof". Such affirmative and negative forms shall be printed on one ballot, containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark.

New registration.

Notice of registration.

Contents of notice of registration.

Challenge day.

Form of ballot.

SEC. 2. At the close of the polls the election officers shall count the votes and make returns thereof to the board of county commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of county commissioners as aforesaid and the other filed with the Clerk of the Superior Court. The board of county commissioners shall prepare a statement showing the number of votes cast for and against the bonds and/or notes, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in such district.

Returns.

Statement of results of election.

SEC. 3. No right of action or defense founded upon the invalidity of such election or the invalidity of any proceedings or steps taken in the creation of such district shall be asserted, nor shall the validity of such election or the validity of the creation of such district, or the right or duty to levy sufficient tax for the payment of the principal and interest of such bonds and/or notes, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as provided in the preceding Section.

Time limitation on actions to contest validity.

Issuance of bonds in event of majority vote therefor.

SEC. 4. If a majority of the votes cast shall be in favor of the issuance of such bonds and/or notes and the levy of such tax, then the board of county commissioners may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds and/or notes, which bonds and/or notes shall be issued in the name of the county, but they shall be made payable exclusively out of taxes to be levied in such district, except the board of county commissioners may pay from county funds any part of the principal and interest of said bonds and/or notes. They shall be issued in such form and denominations, and with such provisions as to the time, place and medium of payment of principal and interest as the said board of county commissioners may determine, subject to the limitations and restrictions of this Act. They may be issued, as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. When bonds are to be issued, they shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment, of the same bond issue. The bonds and/or notes shall bear interest at a rate not exceeding six per cent (6%) per annum, payable semi-annually, and may have interest coupons attached, and may be made registerable as to principal or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed by the chairman of the board of county commissioners, and the seal of the county shall be affixed to or impressed upon such bond and/or note and attested by the register of deeds of the county or by the clerk of said board; and the interest coupons shall bear the printed, lithographed or facsimile signature of such chairman. The delivery of bonds and/or notes, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

Payment of bonds.

Form, denomination and provisions of bonds.

Issue of bonds.

Serial bonds.

Interest rate.

Registration.

Execution of bonds.

Delivery of bonds.

Special tax levy authorized.

SEC. 5. The board of county commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the district in which the election was held, sufficient to pay the principal and interest of the bond and/or notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and/or notes.

Collection and application.

SEC. 6. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other laws and shall not supplant or repeal any existing powers for the issuance of bonds and/or notes, or any provisions of law for the payment of bonds and/or notes issued under such powers, or for the custody of moneys provided for such payment.

Powers herein conferred declared supplemental.

SEC. 7. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and/or notes and endorsements of such approval upon such bonds and/or notes and as to the sale of bonds and/or notes and the disposition of the proceeds, shall be applicable to the bonds and/or notes authorized by this Act. The proceeds shall be paid out only upon order of the county board of education.

Act constitutes authority for powers authorized.

Application of Local Government Act.

SEC. 8. This Act shall apply only to Johnston County.

Application of Act.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1015 CHAPTER 796

AN ACT AUTHORIZING AN ELECTION TO AMEND THE CHARTER OF THE TOWN OF CHERRYVILLE, GASTON COUNTY, UPON THE QUESTION OF ADOPTING THE CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That at the discretion of the Board of Commissioners of the Town of Cherryville, a special election, to be conducted in accordance with such laws, either general or special, which are applicable to the Town of Cherryville in force and effect at the time of the election, is hereby authorized for the purpose of submitting to the qualified voters of the Town of Cherryville the question of adopting the following amendment to the city charter.

Town of Cherryville, Gaston County, election on amendment to town charter.

The Charter of the Town of Cherryville, Gaston County, Chapter 210 of the Private Laws of North Carolina of 1913, is hereby amended by adding thereto the following:

Appointment of City Manager.

"The board of commissioners shall appoint a city manager who shall be the administrative head of the city government and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the board of commissioners and shall receive such compensation as it shall fix by ordinance.

Powers and duties of city manager.

"The city manager so appointed shall have all the powers and duties as prescribed for city managers under the 'Plan D' form of government as set out in the General Statutes of North Carolina."

Submission of question.

SEC. 2. At the time of holding the special election hereinabove provided for, the question of the adoption of this amendment to the Charter of the Town of Cherryville shall be submitted to

Form of ballots.

the qualified voters of the city. At said election all those who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Amendment Providing for City Manager," and those who are opposed shall vote a ballot upon which shall be printed or written the words "Against Amendment Providing for City Manager."

Effect of election results.

If in said election a majority of the votes cast shall be "For Amendment Providing for City Manager," the said amendment shall be adopted and become a part of the Charter of the Town of Cherryville; but if a majority of the votes cast shall be "Against Amendment Providing for City Manager," said amendment shall not become a part of the Charter of the Town of Cherryville.

Effective date of new form of government in event of majority vote therefor.

SEC. 3. If and when such special election as hereinabove provided is held and at such election if the majority of votes cast shall be "For Amendment Providing for City Manager," said amendment shall become effective on the day following the next succeeding municipal election.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1019 CHAPTER 797

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 352, Public-Local Laws, 1933, and Ch. 883, Session Laws, 1945, repealed.

SECTION 1. Chapter 352 of the Public-Local Laws of 1933 and Chapter 883 of the Session Laws of 1945 are hereby repealed.

Harnett County, compensation of Chairman of Board of Commissioners.

SEC. 2. The Chairman of the Board of Commissioners of Harnett County shall receive a salary of six hundred dollars ($600.00) annually, to be paid in monthly installments of fifty dollars ($50.00) each. This salary shall be in lieu of all other fees, traveling allowances and compensation of any kind.

Compensation of members of Board of Commissioners.

SEC. 3. The Members of the Board of Commissioners of Harnett County other than the chairman shall receive for their services as commissioner the sum of three hundred dollars ($300.00) annually, to be paid in monthly installments of twenty-five dollars ($25.00) each. This salary shall be in lieu of all other fees, traveling allowances and compensation of any kind.

Quarterly publication of financial statement by Board.

SEC. 4. The Board of Commissioners of Harnett County shall cause to be published every three months in some newspaper published in Harnett County a complete financial statement of the county affairs and the financial condition of the county, which said statement shall show the total receipts and expenditures for each three months' period.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 6. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1028 CHAPTER 798

AN ACT TO AMEND H. B. NO. 330, ENTITLED "A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 139 OF THE PUBLIC LAWS OF 1939, RELATING TO THE BILL OF COST IN CRIMINAL ACTIONS IN THE RECORDER'S COURT OF PASQUOTANK COUNTY."

The General Assembly of North Carolina do enact:

Ch. 238, Session Laws, 1949, amended.

SECTION 1. Section 1 of H. B. No. 330, ratified on the 7th day of March, 1949, by the 1949 Session of the General Assembly of North Carolina, is hereby amended by rewriting said Section so as to read as follows:

"SEC. 1. Section 15, Subsection (a) of Chapter 180 of the Public Laws of 1907, as amended by Section 3 of Chapter 139 of the Public Laws of 1939, is hereby amended by striking out said Subsection and substituting in lieu thereof the following:

Pasquotank County, Recorder's Court, fees of prosecuting attorney.

"(a) The prosecuting attorney, four dollars and fifty cents ($4.50) on all warrants, whether one or more offenses are charged and regardless of the charge. Said fees shall be paid to the county general fund."

SEC. 2. Section 2 of said H. B. No. 330 is hereby amended by rewriting said Section so as to read as follows:

Fees of trial justice.

"SEC. 2. Section 15, Subsection (b) of Chapter 180 of the Public Laws of 1907, as amended by Section 3 of Chapter 139 of the Public Laws of 1939, is hereby amended by striking out the words and figures "one dollar and fifty cents ($1.50)" appearing between the words "justice" and "for", which appear in line 1 of said Subsection, and substituting in lieu thereof the words and figures "two dollars and fifty cents ($2.50)".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1035 CHAPTER 799

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WHITAKERS AND THE TOWN OF SHARPSBURG TO PROVIDE TRAFFIC BUREAUS TO HANDLE CERTAIN VIOLATIONS OF TRAFFIC ORDINANCES.

The General Assembly of North Carolina do enact:

Town of Whitakers and Town of Sharpsburg, establishment of Traffic Bureaus authorized.

SECTION 1. The Governing Body of the Town of Whitakers and the Governing Body of the Town of Sharpsburg, each, may by ordinance provide a traffic bureau to accept a plea of guilty of violating the following traffic violations within the town:

Violations within jurisdiction of Bureau.

(1) Double parking

(2) Parking across parking lines

(3) Parking in "no parking" zones

(4) Parking in fire hydrant zones

(5) Illegal use of loading zones, bus stops and taxi stands

(6) Disregarding stop signs

Settlement of case before issuance of warrant.

SEC. 2. Any person, firm or corporation receiving a citation for any of the above offenses as defined in a town ordinance may, before a warrant is issued, charging a violation of the criminal law, pay through the traffic bureau the following amounts as payment of the court costs for such violation of the town ordinance and be discharged: All offenses listed above, one dollar ($1.00) for first offense; two dollars ($2.00) for second offense; and for the third offense within any twelve-months period a warrant shall be issued in the mayor's court.

Settlement of case upon appearance before Bureau.

SEC. 3. Any person, firm or corporation cited by the police officers of the town to appear before such traffic bureau may submit a plea of guilty to such ordinance violation or violations and tender the sum or sums not in excess of the sums provided for in Section 2 of this Act as payment of court cost for such violation or violations: *Provided,* that said ordinance may provide that such traffic bureau shall not accept a plea of guilty to the same traffic violation by the same person more than two times in any twelve-month period. In the event that such person, firm or corporation so cited shall fail to appear as cited or is unwilling to submit a plea of guilty to the ordinance violation or violations shown in the citation, thereupon a warrant shall be duly issued and the person, firm or corporation so charged with such violation or violations shall be tried upon such warrant in the mayor's court of the town.

Trial in mayor's court upon issue of warrant.

No State tax paid.

SEC. 4. No State tax shall be paid to the State of North Carolina in cases finally disposed of by said traffic bureau.

Personnel of Bureau.

SEC. 5. The mayor shall designate a sufficient number of persons to man said traffic bureau so that any person charged with an ordinance violation, and cited as above provided, covered by said ordinance may enter a plea of guilty at any reasonable hour and pay the costs provided for in this Act. The governing body of said towns shall provide, by ordinance, for keeping complete permanent records of all citations issued by officers of said towns, pleas of guilty entered and monies collected by said traffic bureau. No person issuing a citation shall accept a plea of guilty hereunder to any citation issued by him.

Records of Bureau.

Payment of collected costs to general fund.

SEC. 6. All costs collected in the traffic bureau shall be paid into the general fund of the town.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1036 CHAPTER 800

AN ACT TO ENLARGE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF FAIRMONT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town of Fairmont, corporate limits, extended.

SECTION 1. In addition to the territory now lying within the corporate limits of the Town of Fairmont, North Carolina, as now constituted pursuant to Acts of the General Assembly, the corporate limits of said town shall be extended so as to include the following described area:

Description of boundaries.

Beginning at a stake in the paved highway leading from Fairmont to Lake View, the southeastern corner of the Frye's Warehouse property, and being the northeastern corner of the tract of land conveyed to H. G. Collins by deed from B. E. Littlefield et ux, dated 10 January 1947 as appears of record in Robeson County Registry and runs thence as the northern line of said tract of land, the same being the present corporate limits, South 83 West 525 feet to a stake in P. R. Floyd's line; thence as the Floyd line due South 159 feet to J. K. Bray's southwestern corner; thence as J. K. Bray's line North 83 East 490.5 feet to a stake in the paved highway aforesaid; thence as said paved highway North 8 East 159 feet to the beginning.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1037 CHAPTER 801

AN ACT TO PROVIDE WITNESS FEES AND CERTAIN FEES FOR THE SHERIFF OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Granville County, fees of Sheriff.

SECTION 1. Notwithstanding any other provisions of law, there shall be paid to the Sheriff of Granville County the following fees and costs for the services enumerated, to-wit: For making an arrest, two dollars and fifty cents ($2.50) for each person or name; serving summons, one dollar and fifty cents ($1.50) per person or name; serving subpoenas for witnesses, one dollar ($1.00) per name; serving claim and delivery, four dollars and fifty cents ($4.50); serving executions, one dollar ($1.00) per name, plus commission on all monies collected as allowed by law; taking bond, one dollar ($1.00); witnesses

proving their attendance as provided by law shall receive a fee of one dollar and fifty cents ($1.50) in each case.

SEC. 2. Except as hereinbefore provided, fees and costs payable to the Sheriff of Granville County shall remain as now provided by law.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1050 CHAPTER 802

AN ACT RELATING TO THE FEES OF JURORS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 9-5, as it appears in the 1947 Supplement to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows: G. S. 9-5, amended.

"In Bertie County, all jurors in the Superior Court and inferior courts shall receive such an amount per day as the board of commissioners of said county may fix, not less than five dollars ($5.00) per day nor more than eight dollars ($8.00) per day. In addition to the compensation herein fixed, all jurors in Bertie County shall receive a travel allowance of five cents (5c) per mile while coming to the county seat and returning home, the distance to be computed by the usual route of public travel; *provided*, that this allowance shall be paid on the basis of one round trip per calendar week for each calendar week in which attendance is required." Bertie County, fees of jurors. Travel allowance.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1062 CHAPTER 803

AN ACT RELATING TO THE RECORDER'S COURT OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Rutherford County, Recorder's Court, issuance of criminal process.

SECTION 1. The Clerk of the Superior Court of Rutherford County as ex officio clerk of the Recorder's Court of Rutherford County, or any Deputy Clerk of the Superior Court, designated by the Clerk of Superior Court of said county, upon application and the making of proper affidavit, as provided by law, shall have the power and authority to issue any criminal warrant or warrants, peace warrants, subpoenas, and/or other processes of law in said court and make the same returnable before the judge thereof, at any time or times designated for the trial of criminal cases. Said clerk or deputy clerk so designated shall also have power and authority to issue all civil processes which may be issued by and within the jurisdiction of said court, in the same manner as such processes may be issued by the Clerk of the Superior Court in the Superior Court of said county. Such processes shall be directed to the sheriff or other lawful officer of the county, and the service thereof shall be lawfully made when served by the sheriff, deputy sheriff or any constable of said county, and criminal processes may be served by any State Highway Patrolman, rural policeman or municipal officer. All warrants, subpoenas and other processes issued by the clerk as ex officio clerk of the recorder's court, or his deputy as above mentioned, when attested by the seal of the said court, shall run anywhere in the State of North Carolina, and shall be executed by all officers in the same manner and way as processes are issued by the Superior Court.

Issuance of civil process.

Service of processes.

Execution of processes.

Authority of clerk to enter judgments.

SEC. 2. The said clerk as ex officio clerk of recorder's court, or his deputy, shall have authority to sign any consent judgment, judgments of voluntary nonsuit judgments by default final and default and inquiry in civil procedures.

Fees for issuance of process.

SEC. 3. That the fees for the issuance of such process in recorder's court shall be the same as now or hereafter shall be prescribed by law for the Superior Court except the fees as to criminal processes which shall be:

Affidavit, each	$ .25
Warrant, each	.50
Subpoenas, each	.25
Commitment, each	.20
Recognizance, each	.60
Judgment	1.00
Capias, and order, each	1.00

All fines, costs, and forfeitures due by order of said court shall be collected by said clerk of recorder's court who shall make proper distribution of same as required by law of the Clerk of Superior Court.

Collection of fines, costs, etc.

SEC. 4. That the salary of the Deputy Clerk of Superior Court, who may act generally as clerk of the recorder's court, shall be fixed by the Board of County Commissioners of Rutherford County.

Salary of Clerk of Recorder's Court.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after the first day of May, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1077 CHAPTER 804

AN ACT TO AMEND CHAPTER 202 OF THE PRIVATE LAWS OF 1925, RELATING TO THE CHARTER OF THE TOWN OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 3, Chapter 202 of the Private Laws of 1925 is amended by adding at the end of said Section a new paragraph, to read as follows:

Ch. 202, Private Laws, 1925, amended.

"That candidates for the position of mayor and city commissioners shall file with the city clerk of the said town a notice of their intention to run as candidates for the respective offices, said filing to take place not later than ten (10) days preceding the general municipal election. Said notice of filing shall be accompanied by a fee on the part of candidates for mayor in the amount of fifteen dollars ($15.00) each, and on the part of candidates for city commissioner in the amount of five dollars ($5.00) each. The notice and payment of such fees shall be deemed conditions precedent to the candidates qualifying for said offices and their names appearing on the municipal ballot."

Town of Morehead City, notice of candidacy for office of mayor and city commissioner.

Filing fees.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1093 CHAPTER 805

AN ACT TO AMEND CHAPTER 730 OF THE SESSION LAWS OF 1943 RELATIVE TO THE SALARY OF THE CLERICAL ASSISTANT IN THE OFFICE OF THE SHERIFF, TAX COLLECTOR AND TREASURER OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Ch. 730, Session Laws, 1943, amended to increase salary of clerks in certain offices, Alleghany County.

SECTION 1. Chapter 730 of the Session Laws of 1943 is hereby amended by striking out of lines 4 and 5 of Section 1 the words and figures "seventy-five dollars ($75.00)" and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after May 1, 1949.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1190 CHAPTER 806

AN ACT TO AMEND HOUSE BILL 585 PASSED BY THE PRESENT SESSION OF THE GENERAL ASSEMBLY AND ENROLLED AND RATIFIED MARCH 22ND, 1949, IT BEING AN ACT RELATIVE TO THE SERVICE OFFICER OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 502, Session Laws, 1949, relating to service officer, Henderson County, amended.

SECTION 1. That House Bill 585, passed by the General Assembly of 1949, and enrolled and ratified March 22nd, 1949 be, and the same is hereby amended, by striking out the word "office" in line 1 of Section 2 of said Act, and inserting in lieu thereof the word "officer".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

H. B. 1098 CHAPTER 807

AN ACT TO FIX THE TERMS OF OFFICE OF THE MAYOR, BOARD OF ALDERMEN AND JUDGE OF THE POLICE COURT OF THE TOWN OF CLYDE.

The General Assembly of North Carolina do enact:

Town of Clyde, term of office of certain officials of town.

SECTION 1. That the term of office of the Mayor, Board of Aldermen and Judge of the Police Court of the Town of Clyde shall be two years.

Term of incumbent officials.

SEC. 2. That the term of office of the present Mayor, Board of Aldermen and Judge of the Police Court of the Town of Clyde shall extend until the first Tuesday after the first Monday in June, 1949.

Biennial election of Mayor, Aldermen and Judge of Police Court.

SEC. 3. That on the first Tuesday after the first Monday in June, 1949, and biennially thereafter, there shall be held an election for the purpose of electing a Mayor, Board of Aldermen and Judge of the Police Court of the Town of Clyde.

Conduct of town elections.

SEC. 4. That in all respects except as to the time which is fixed in Section 3 above, all elections in the Town of Clyde shall be governed by the general laws of the State as to municipalities and as set forth in Chapter 160 of the General Statutes, as amended.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1949.

S. B. 128 CHAPTER 808

AN ACT TO AMEND G. S. 1-584 RELATING TO MOTIONS TO REMOVE CAUSES TO FEDERAL COURT.

The General Assembly of North Carolina do enact:

G. S. 1-125, relating to time within which defendant must file answer or other pleadings, amended.

SECTION 1. General Statutes 1-125 is hereby amended by inserting after the first sentence and between the period that follows "108" and the word "If" in the thirteenth line of said Section, the following:

"Upon the filing in a District Court of the United States of a petition for the removal of a civil action or proceeding from a court in this State and the filing of a copy of the petition in the State court, the State court shall proceed no further therein unless and until the case is remanded; and in the event it

Cases remanded to State court by Federal court.

shall be finally determined in the United States courts that the case was not removable or was improperly removed, or for other reason should be remanded, and a final order is entered remanding the case to the State court, the defendant or defendants, or any other party who would have been permitted or required to file a pleading had the removal proceedings not been instituted, will have thirty (30) days after the filing in such State court of a certified copy of the order of remand to file motions or demur, answer or otherwise plead."

G. S. 1-584. Motions to remove to Federal Court, amended.

SEC. 2. General Statutes 1-584 is hereby amended by rewriting the same to read as follows:

"Petition to Remove to Federal Court—Order by the Court—When it shall appear to a court of this State that a petition for removal of any action or proceeding pending therein has been filed in a District Court of the United States, the State court may then, upon its own motion or the motion of a party to the action or proceeding, order that no further proceedings be had in the State court unless and until the action or proceeding has been remanded to the State court by the United States court and a certified copy of the order of remand is filed with the clerk; but failure to enter such order shall not entitle the State court or any party to proceed; the appearance of a party for the purpose of making the above mentioned motion shall not affect or be deemed a waiver of the right to remove."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

S. B. 192 CHAPTER 809

AN ACT TO AMEND GENERAL STATUTES OF NORTH CAROLINA SECTION 55-67 RELATIVE TO CORPORATE STOCK CERTIFICATES.

The General Assembly of North Carolina do enact:

G. S. 55-67, relating to issuance of stock certificates and duplicates, amended.

SECTION 1. The General Statutes of North Carolina Section 55-67 shall be and hereby are amended by changing the period at the end of the first sentence of said Section to a semicolon and by adding the following immediately after said semicolon and before the beginning of the next sentence of said Section:

Provided, however, that where such certificate is signed by a transfer agent or an assistant transfer agent, or by a transfer clerk acting on behalf of the corporation and a registrar, the signature of any such president, vice president, treasurer, assistant treasurer, secretary or assistant secretary upon such certificate may be facsimile, engraved or printed. In case any officer or officers who shall have signed, or whose facsimile signature or signatures shall have been placed upon any such certificate or certificates, shall cease to be such officer or officers of the corporation, whether because of death, resignation or otherwise, before such certificate or certificates shall have been delivered by the corporation, such certificate or certificates may nevertheless be adopted by the corporation and be issued and delivered with the same effect as if the person or persons who signed such certificate or certificates, or whose facsimile signature or signatures shall have been placed thereon, had not ceased to be such officer or officers of the corporation.

Facsimile signature of officers on certificates signed by transfer agent, authorized.

Certificates delivered after death or resignation of officer, validated.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 81 CHAPTER 810

AN ACT TO AMEND ARTICLE 40 OF CHAPTER 14 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO ABANDONMENT.

The General Assembly of North Carolina do enact:

SECTION 1. Section 14-322 of the General Statutes is hereby amended to read as follows:

G. S. 14-322, relating to abandonment, amended.

"14-322. Abandonment by husband or father. If any husband shall willfully abandon his wife without providing her with adequate support, or if any father or mother shall willfully abandon his or her child or children, whether natural or adopted, without providing adequate support for such child or children, he or she shall be guilty of a misdemeanor: *Provided,* that the abandonment of children by the father or mother shall constitute a continuing offense and shall not be barred by any statute of limitations until the youngest living child shall arrive at the age of eighteen years."

Abandonment of adopted or natural child by father or mother, included in offense.

SEC. 2. This Act shall be effective upon its ratification.

Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 476 CHAPTER 811

AN ACT TO AMEND CHAPTER 41 OF THE GENERAL STATUTES RELATING TO ESTATES.

The General Assembly of North Carolina do enact:

G. S. Ch. 41. Estates, amended.

SECTION 1. Chapter 41 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 41-11, and immediately preceding G. S. 41-12, to be numbered G. S. 41-11.1, and to read as follows:

G. S. 41-11.1, enacted.

Sale or lease of property held by a "class", where membership may be increased by persons not in esse.

"G. S. 41-11.1. Wherever there is a gift, devise, bequest, transfer or conveyance of a vested estate or interest in real or personal property, or both, to persons described as a class, and, at the effective date thereof, one or more members of the class are in esse, and there is a possibility in law that the membership of the class may later be increased by one or more members not then in esse, a special proceeding may be instituted in the Superior Court for the sale, lease or mortgage of such real or personal property, or both, as provided in this Section.

Venue of special proceedings for sale or lease.

"All petitions filed under this Section wherein an order is sought for the sale, lease or mortgage of real property, or of both real and personal property, shall be filed in the office of the Clerk of the Superior Court of the county in which all or any part of the real property is situated. If the order sought is for the sale, lease or mortgage of personal property, the petition may be filed in the office of the Clerk of the Superior Court of the county in which any or all of such personal estate is situated.

Parties to proceedings.

Guardian ad litem for parties not in esse.

"All members of the class in esse shall be parties to the proceeding, and where any of such members are under legal disability, their duly appointed general guardians or their guardians ad litem shall be made parties. The Clerk of the Superior Court shall appoint a guardian ad litem to represent the interests of the possible members of the class not in esse, and such guardian ad litem shall be a party to the proceeding.

Judgment or order appointing trustee for sale.

Terms of sale or lease, etc.

Confirmation by resident or presiding judge.

Bond of trustee.

"Upon a finding by the Clerk of the Superior Court that the interests of all members of the class, both those in esse and those not in esse, would be materially promoted by a sale, lease or mortgage of any such property, he shall enter an order that the sale, lease or mortgage be made, and shall appoint a trustee to make such sale, lease or mortgage, in such manner and on such terms as the clerk may find to be most advantageous to the interests of the members of the class, both those in esse and those not in esse; but no sale, lease or mortgage shall be made, or shall be valid, until approved and confirmed by the resident judge of the district, or the judge holding the courts of the district. As a condition precedent to receiving the proceeds of the sale, lease or mortgage, the trustee shall be bonded in the same manner as a guardian for minors.

Respective interest of parties in proceeds.

"In the event of a sale of any such property, the proceeds of sale shall be owned in the identical manner as the property was owned immediately prior to the sale; *provided*, the trustee appointed by the clerk as provided above may hold, manage, invest and reinvest said proceeds for the benefit of all members of the class, both those in esse and those not in esse, until the occurrence of the event which will finally determine the identity of all members of the class; all such investments and reinvestments shall be made in accordance with the laws of North Carolina relating to the investment of funds held by guardians or minors; and all the provisions of G. S. 36-4, relating to the reduction in bonds of guardians or trustees upon investment in certain registered securities and the deposit of the securities with the Clerk of the Superior Court, shall be applicable to the trustee appointed hereunder.

Investment of proceeds.

Reduction in bond of trustee pursuant to G. S. 36-4.

Periodical payments to members of class in esse.

"In the event the proceeds of sale shall be paid over to a trustee and invested by him as authorized above, the entire income actually received by the trustee from such investment shall be paid by said trustee periodically, and not less often than annually, in equal shares to the living members of the class as they shall be constituted at the time of each such payment, or to the duly appointed guardians of any such living members under legal disability.

Application of proceeds of lease.

"In the event the court orders a lease of the property, the proceeds from the lease shall be first used to defray the expenses, if any, of the upkeep and maintenance of the property, and the discharge of taxes, liens, charges and encumbrances thereon, and any remaining proceeds shall be paid over by the trustee in their entirety, not less often than annually, in equal shares to the living members of the class as they shall be constituted at the time of each such payment or to the duly appointed guardians of any such members under legal disability.

Disbursement of income to members in esse.

"Payments of income to the living members of the class as aforesaid shall constitute a full and final acquittance and disposition of the income so paid, it being the intent of this Section that only the living members of the class (as they may be constituted at the time of each respective income payment) shall be entitled to the income which is the subject of the respective payment, and that possible members of the class not in esse shall not share in, or become entitled to the benefit of any income payment made prior to the time that such members are born and become living members of the class.

Assignment of interest by members of legal age.

"In the event that there has been a sale of any of the property, and the proceeds of sale are being held, managed, invested and reinvested by a trustee as provided above, any member of the class who is of legal age and who is not otherwise under legal disability may sell, assign and transfer his entire right, title and interest (both as to principal and income) in the funds

Trustee required to recognize assignments.

or investments so held by the trustee. Upon receiving written notice of such sale, assignment or transfer, the trustee shall recognize the purchaser, assignee and transferee as the lawful successor in all respects whatsoever to the right, title and interest (both as to principal and income) of the seller, assignor and transferor; but no such sale, transfer or assignment shall divest the trustee of his legal title in, or possession of, said funds or investments or (except as provided above) affect his administration of the trusts for which he was appointed.

Purposes for which clerk may authorize mortgage of property.

"The court shall order a mortgage of the property only for one or more of the following purposes: (1) to provide funds for the costs and expenses of court incurred in carrying out any of the provisions of this Section; (2) to provide funds for the necessary upkeep and maintenance of the property; (3) to make reasonable improvements to the property; (4) to pay off taxes, other existing liens, charges and encumbrances on the property. The mortgagee shall not be held responsible for the application of the funds secured or derived from the mortgage. As used in this Section, references to mortgages shall also apply to deeds of trust executed for loan security purposes.

Inventory and annual account of Trustee.

"Every trustee appointed pursuant to the provisions of this Section shall file with the Clerk of the Superior Court an inventory and annual accounts in the same manner as is now provided by law with respect to guardians.

Commissions to Trustee.

"The Superior Court shall allow commissions to the trustee for his time and trouble in the effectuation of a sale, lease or mortgage, and in the investment and management of the proceeds, in the same manner and under the same rules and restrictions as allowances are made to executors, administrators, and collectors.

Terms of instruments creating estates unaffected by Act.

"*Provided, however,* this Section shall not be applicable where the instrument creating the gift, devise, bequest, transfer or conveyance specifically directs, by means of the creation of a trust or otherwise, the manner in which the property shall be used or disposed of, or contains specific limitations, conditions or restrictions as to the use, form, investment, leasing, mortgage, or other disposition of the property.

Construction and Purpose of Act.

"And *provided further,* this Section shall not alter or affect in any way laws or legal principles heretofore, now, or hereafter existing relating to the determination of the nature, extent or vesting of estates or property interests, and of the persons entitled thereto. But where, under the laws and legal principles existing without regard to this Section, a gift, devise, bequest, transfer or conveyance has the legal effect of being made to all members of a class, some of whom are in esse and some of whom are in posse, the procedures authorized hereby may be utilized for the purpose of promoting the best interests of all members of the class, and this Section shall be liberally

construed to effectuate this intent. The remedies and procedures herein specified shall not be exclusive, but shall be cumulative, in addition to, and without prejudice to, all other remedies and procedures, if any, which now exist or hereafter may exist either by virtue of statute, or by virtue of the inherent powers of any court of competent jurisdiction, or otherwise. Remedies provided declared supplemental.

"The provisions of this Section shall apply to gifts, devises, bequests, transfers, and conveyances made both before and after the effective date of this Section." Application of Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 663 CHAPTER 812

AN ACT TO SAFEGUARD CATTLE CROSSING OVER STATE HIGHWAYS BY THE ERECTION OF WARNING SIGNS.

The General Assembly of North Carolina do enact:

SECTION 1. Upon written request of any owner of more than five head of cattle, the State Highway and Public Works Commission shall erect appropriate and adequate signs on any road or highway under the control of the State Highway and Public Works Commission, such signs to be so worded, designed and located as to give adequate warning of the presence and crossing of cattle. Such signs shall be located at points agreed upon by the owner and the State Highway and Public Works Commission at points selected to give reasonable warning of places customarily or frequently used by the cattle of said owner to cross said road or highway, and no one owner shall be entitled to demand the placing of signs at more than one point on a single or abutting tracts of land. Highway signs for protection of cattle. Location of signs.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 787 **CHAPTER 813**

AN ACT TO LIMIT THE OPERATION OF LOUD-SPEAKERS, AMPLIFYING SYSTEMS AND PUBLIC ADDRESS SYSTEMS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Pasquotank County, use of amplifying and public address systems regulated.

SECTION 1. It shall be unlawful for any person, firm or corporation to operate any loud-speaker, amplifying system or public address system for the purpose of making voice, music or other sound audible outside the structure or vehicle wherein the sound originates between the hours of 8:00 P. M. and 8:00 A. M.

Uses excepted from provisions of Act.

SEC. 2. This Act shall not apply to any person, firm or corporation operating such sound devices wholly within any structure or vehicle for the better hearing of guests or patrons therein; to the use of any such loud-speaker, amplifying or public address system in connection with any public athletic contest; to the use of such sound devices when the purpose of such use is for the better hearing of guests or patrons for whom the accommodations of such structure are not sufficient; to the use of such sound devices for the purpose of celebration of holidays; to Drive-In Theaters or to the use of such devices when the purpose of such use is to prevent loss of life or injury to persons or property.

Application of Act.

SEC. 3. This Act shall apply to Pasquotank County only.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 826 **CHAPTER 814**

AN ACT TO AMEND THE MOTOR VEHICLE ACT OF 1937 DEFINING U-DRIVE-IT PASSENGER VEHICLES.

The General Assembly of North Carolina do enact:

G. S. 20-38, amended.

SECTION 1. General Statutes 20-38 (q) (5) is hereby amended by rewriting the same to read as follows:

G. S. 20-38 (q) (5), U-Drive-It passenger vehicles defined.

"(5) U-Drive-It passenger vehicles. Passenger motor vehicles used for the purpose of rent or lease to be operated by the lessee; *provided,* this shall not include passenger motor vehicles of nine passenger capacity or less which are leased for a term of one year or more to the same person, firm, or corporation.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 852 CHAPTER 815

AN ACT TO AMEND G. S. 47-12 RELATING TO PROOF OF ATTESTED WRITING.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 47-12, as amended, is hereby further amended by striking out the comma preceding the word "including" in line 3 of said Section as the same appears in the 1947 Cumulative Supplement to the General Statutes of North Carolina. G. S. 47-12, proof and probate of attested writings, amended.

SEC. 2. G. S. 47-12, as amended, is hereby further amended by striking out the comma preceding the word "executed" in line 4 of said Section as the same appears in the 1947 Cumulative Supplement to the General Statutes of North Carolina.

SEC. 3. The probate of all instruments taken on and after February 7, 1945, in accordance with the provisions of G. S. 47-12 as amended by Section 11 of Chapter 73 of the Session Laws of 1945 and Section 1 of Chapter 991 of the Session Laws of 1947 and as further amended by this Act, are hereby in all respects validated; *provided, however,* that this Act shall not apply to pending litigation. Probate of instruments pursuant to existing statutes, validated.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 872 CHAPTER 816

AN ACT AUTHORIZING AN INCREASE IN TAX LEVY FOR PURPOSES OF PUBLIC HEALTH IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Hyde County, additional tax levy for public health, authorized.

SECTION 1. In addition to all other taxes authorized by any other general or special Act, the Board of County Commissioners of Hyde County is hereby authorized, in its discretion, to increase the tax levy for necessary health purposes, such increase in the levy not to exceed ten cents (10c) on the hundred dollar ($100.00) valuation of taxable property in said county, and to be imposed for the 1949 tax year only.

Application of proceeds from increased levies.

SEC. 2. The proceeds of such increase in the levy for necessary health purposes shall be applied exclusively to the purchase and installation of plumbing and sanitary facilities, including water and sewer systems, in the County Courthouse of Hyde County, it being the purpose of the General Assembly to give its approval to the special levy hereby authorized for such necessary health purposes in Hyde County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 875 CHAPTER 817

AN ACT RELATING TO THE SALARIES OF THE JUDGE, THE SOLICITOR AND THE CLERK OF THE RECORDER'S COURT OF HALIFAX COUNTY, AND TO PROVIDE FOR SPECIAL TERMS OF SAID COURT TO BE HELD IN THE CITY OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

Ch. 190, Public-Local Laws, 1941, amended.

Halifax County, salary of Judge Recorder's Court increased.

SECTION 1. Section 1 of Chapter 190 of the Public-Local Laws of 1941 is amended by striking out in lines two and three of said Section the words and figures "eighteen hundred dollars ($1,800.00)" and inserting in lieu thereof the words and figures "twenty-seven hundred dollars ($2700.00)".

Solicitor, Recorder's Court, salary increased.

SEC. 2. Section 2 of Chapter 190 of the Public-Local Laws of 1941 is hereby amended by striking out in line two of said Section the words and figures "fifteen hundred dollars ($1,500.00)" and inserting in lieu thereof the words and figures "twenty-three hundred dollars ($2300.00)".

SEC. 3. The Board of County Commissioners of Halifax County is authorized, when economic conditions warrant, to decrease, in the same proportion, the salaries of the Judge and the Solicitor of the Halifax County Recorder's Court to not less than eighteen hundred dollars ($1800.00) per annum as to the judge, and fifteen hundred dollars ($1500.00) per annum as to the solicitor.

Power of County Commissioners to reduce salaries to present level.

SEC. 4. The second paragraph of Section 1 of Chapter 627 of the Session Laws of 1945 is hereby amended by striking out the period following the word "sessions" in line six of said paragraph, substituting a colon therefor, and adding the following:

Ch. 627, Session Laws, 1945, amended.

"*Provided*, that special terms of the recorder's court may be held in the City of Roanoke Rapids, when requested by the mayor of said city, at such time or times as may be determined by the judge of said court."

Special terms in Roanoke Rapids.

SEC. 5. Section 2 of Chapter 627 of the Session Laws of 1945 is rewritten to read as follows:

"SEC. 2. In addition to the salaries fixed by law for the Judge, the Solicitor and the ex-officio Clerk of the Recorder's Court of Halifax County, the Governing Board of the City of Roanoke Rapids is authorized to provide an expense allowance to the said judge, solicitor and clerk of said court in such amounts as they may deem just and proper, and pay the same out of the general fund of said city."

Expense allowance for Judge, Solicitor and ex-officio Clerk.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect as of 1 January 1949.

Effective date.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 917 CHAPTER 818

AN ACT TO AMEND SECTION 53-58, GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR SUBSTITUTION OF PHOTOSTATIC COPIES OF LOST ITEMS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 53-58 of the General Statutes of North Carolina be, and the same is hereby amended by adding a new paragraph at the end thereof, to read as follows:

G. S. 53-58, relating to collection by banks of deposited items, amended.

Photostatic copies of items lost in chain of collection.

"In any case where checks, notes, or other negotiable instruments are transmitted by one bank to another in the process of collection and the same shall be lost or shall be destroyed, the bank last forwarding the same, or any bank in the chain of collection handling such items prior to their loss or destruction, may furnish photostatic copies of such checks, notes or other negotiable instruments, and such photostatic copies, when forwarded by the last forwarding bank before such instruments were lost or destroyed, shall be taken and treated as the original items which they represent and the bank to which forwarded and any bank subsequent thereto through which the same are forwarded to the bank upon which the same are drawn shall be relieved of any liability for treatment of the same as originals; *provided, however,* that the bank last forwarding such items shall be solely liable for payment upon any original of such items if subsequently presented for payment to such bank by an innocent holder, although the bank is not the drawee bank."

Liability of last forwarding bank upon presentation of original by innocent holder.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 918 CHAPTER 819

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF LAURINBURG TO SELL AT PRIVATE SALE CERTAIN LAND.

The General Assembly of North Carolina do enact:

Town of Laurinburg, private sale of certain land, authorized.

SECTION 1. The Board of Commissioners of the Town of Laurinburg is hereby authorized and empowered to sell, at private sale without advertising, for such compensation as it may deem just and proper, the following described land, and to apply the proceeds from such sale as it may deem best:

Description of land.

Lying and being within the limits of the Town of Laurinburg, situated on the East side of Main Street commencing at a corner in the eastern edge of Main Street, the same being the northern corner of Evans' Wood Yard, now J. E. Phillips and Roy Sutherland, and runs North 21½ East along the eastern edge of Main Street 100 feet to a corner; thence at right angles with Main Street South 68½ East to the center of a big ditch; thence up said big ditch to its bend, to a corner in the southern edge of said ditch; thence along the southern edge of said ditch, to the beginning.

This is the same tract of land conveyed to the Town of Laurinburg by deed dated August 7, 1923, from G. H. Russell and wife, Katie C. Russell, which said deed is recorded in Book M at page 606, Scotland County Registry, to which said deed reference is hereby made for further description.

Provided, however, that said land shall not be sold at a price less than the highest bid received at a public sale thereof heretofore held by said board of commissioners.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

H. B. 936 CHAPTER 820

AN ACT TO AUTHORIZE THE ISSUANCE OF SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS OF BONDS OF THE STATE TO PROVIDE FOR THE CONSTRUCTION OF SEAPORTS AND THE APPROPRIATION OF THE PROCEEDS OF SAID BONDS FOR SAID PURPOSE.

The General Assembly of North Carolina do enact:

SECTION 1. That this Act shall be known and may be cited as the "State Ports Bond Act of 1949." Title of Act.

SEC. 2. That the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State Ports Bonds," in an aggregate principal amount not exceeding seven million and five hundred thousand dollars ($7,500,000.00). The proceeds of said bonds are hereby appropriated to the North Carolina State Ports Authority, a State agency created by Chapter 1097 of the Session Laws of 1945, which appropriation shall be in addition to all other appropriations heretofore made or which may be made at the present Session of the General Assembly. Said proceeds shall be used by the State Ports Authority for the purpose of construction, reconstruction, enlargement or improvement of seaports in North Carolina, including, but not confined to the acquisition, construction, reconstruction, enlargement, improvement of wharves, docks, warehouses, loading and unloading machinery and equipment, and other terminal buildings, structures and facilities useful and proper in the operation of seaports, in accordance with such plans as have been or may hereafter be adopted by

Issuance of "State Ports Bonds", authorized.

Proceeds appropriated to N. C. State Ports Authority.

Use for construction and enlargement of N. C. seaports and facilities.

the North Carolina State Ports Authority and approved by the Governor and Council of State.

Serial bonds; maturity; interest rate.

SEC. 3. That said bonds shall bear such date or dates, shall be serial bonds, shall mature at such times and in such amounts, beginning not later than three years after their date or respective dates, and ending not later than twenty years after such date or dates, and shall bear interest at such rate or rates, not exceeding four per cent (4%) per annum, payable semiannually, as may be fixed by the State Treasurer with the approval of the Governor and Council of State.

Execution of bonds.

Registration.

SEC. 4. That said bonds shall be signed on behalf of the State of North Carolina by the Governor and the State Treasurer, shall bear a facsimile of the Great Seal of the State and shall carry interest coupons which shall bear a facsimile of the signature of the State Treasurer. Said bonds shall be subject to registration as is now or may hereafter be provided by law for State bonds, and the form and denomination of the bonds shall be such as the State Treasurer may determine in conformity with this Act.

Form and denomination.

Sale of bonds.

SEC. 5. That, subject to determination by the Governor and Council of State, as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds such sales to be made at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest, and when the conditions are equal he shall give the preference of purchase to the citizens of North Carolina. All expenses necessarily incurred in the preparation and sale of the bonds shall be paid from the proceeds of such sale.

State Ports Authority Fund.

SEC. 6. That the proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the State Treasurer in a construction fund known as the "State Ports Authority Fund."

Terms of issuance and sale determined by Governor and Council of State.

Issuance of bond anticipation notes.

SEC. 7. That by and with the consent of the Governor and Council of State, who shall determine the rate or rates or maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the State Treasurer shall deem it advisable to postpone the issuance of such bonds.

(b) For the payment of interest upon or any installment of principal of any of said bonds then outstanding, if there shall not be sufficient funds in the State Treasury with which to pay such interest or installment of principal as they respectively fall due.

(c) For the renewal of any loan evidenced by notes herein authorized.

Payment of bond anticipation notes, etc.

SEC. 8. That funds derived from the sale of bonds herein authorized shall be used in the payment of any bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any renewals of such notes; and funds provided by the General Assembly for the payment of interest on or principal of bonds herein authorized shall be used in paying the interest on or principal of any notes and any renewals thereof the proceeds of which shall have been used in paying interest on or principal of such bonds. Interest payments upon said notes may be evidenced by interest coupons in the State Treasurer's discretion.

Pledge of full faith and credit of State.

SEC. 9. That the full faith, credit and taxing power of the State are hereby pledged for the payment of the principal of and the interest on the bonds and notes herein authorized.

Coupons receivable in payment of obligations due the State.

SEC. 10. That the coupons appertaining to said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Bonds, notes and coupons exempt from taxation.

SEC. 11. That all of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.

Authorized investment for fiduciaries.

SEC. 12. That it shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissions, to invest any moneys in their hands in said bonds and notes.

Net profits from operations of Ports Authority paid to State Treasurer.

SEC. 13. That the North Carolina State Ports Authority shall annually pay to the State Treasurer the net earnings of the operations conducted by the said Authority after reserving an amount deemed necessary by said Authority for operating capital and after reserving such amounts as may be deemed by said Authority proper and desirable for making enlargements, extensions and other improvements in the facilities of any North Carolina seaport, *provided* that the amounts reserved for such purposes above recited shall be approved by the Governor and

Credited to "State Ports Bond Sinking Fund."

Council of State. All amounts so paid to the State Treasurer shall be credited to a fund to be set up by the State Treasurer and designated as "State Ports Bond Sinking Fund."

Retirement of bonds.

Use of surplus.

Pledge of fund to payment of bonds.

Until all bonds issued under this Act shall have been paid or provision for such payment made, said fund shall be applied to the payment of the principal of and interest on said bonds as such principal and interest become due, *provided, however,* that whenever and for so long as the amount in said fund exceeds an amount equal to the amount of such principal and interest then due or to become due within the then next ensuing twelve months, the excess may, if the General Assembly shall authorize such application, be applied to other purposes. Subject to said proviso, the said fund is hereby pledged to the payment of the principal of and interest on said bonds as such principal and interest become due. Nothing in this Section shall be construed to modify the provisions of Section 9 of this Act.

Investment of proceeds of bond sales, pending authorized use.

SEC. 14. In the event the said bonds shall be sold by the State Treasurer, as herein provided, prior to the time that the proceeds of the said sale will be needed for expenditure for the purposes herein provided, the State Treasurer, with the approval of the Governor and Council of State, may invest such proceeds in securities approved for sinking fund investments, having such maturities as will be found appropriate for meeting the anticipated expenditures of said funds. Any earnings from said funds shall be credited to the said "State Ports Bond Sinking Fund."

Conflicting laws repealed.

SEC. 15. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 16. That this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of April, 1949.

S. B. 164 CHAPTER 821

AN ACT TO AMEND ARTICLE II OF THE CONSTITUTION SO AS TO SAFEGUARD THE FUNDS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Art. II, Constitution of N. C. amended.

SECTION 1. That Article II of the Constitution of the State of North Carolina be, and it is hereby, amended by adding at the end of said Article II a new Section to be designated as Section 31 and shall read as follows:

"SEC. 31. The General Assembly shall not use, or authorize to be used, nor shall any agency of the State, public officer or public employee use or authorize to be used the funds, or any part of the funds, of the Teachers' and State Employees' Retirement System except for retirement system purposes. The funds of the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to or used by the State, any State agency, State officer, public officer or employee except for purposes of the Retirement System: *Provided*, that nothing in this Section shall prohibit the use of said funds for the payment of benefits, administrative expenses and refunds as authorized by the Teachers' and State Employees' Retirement Law, nor shall anything in this provision prohibit the proper investment of said funds as may be authorized by law."

Use of funds of Teachers' and State Employees' Retirement System restricted.

SEC. 2. That this amendment shall be submitted to the qualified voters of the entire State at the next general election after ratification of this Act.

Submission of amendment to voters.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed: "For amendment securing and safeguarding the funds of the Teachers' and State Employees' Retirement System"; and those opposed shall vote a ballot on which shall be written or printed the words: "Against amendment securing and safeguarding the funds of the Teachers' and State Employees' Retirement System".

Form of ballots.

SEC. 4. That the election upon the amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Conduct of election.

Certification by Governor.

Enrollment.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

S. B. 320 **CHAPTER 822**

AN ACT TO REGULATE THE DISTRIBUTION OF MILK AND CREAM BROUGHT INTO THE STATE OF NORTH CAROLINA FROM OTHER STATES.

Preamble: Necessity of importation into State of quantities of bulk milk.

WHEREAS, North Carolina does not produce sufficient milk for its own consumption and it is necessary to import large quantities of bulk milk from other states to be processed and distributed in this State; and

Difficulty in obtaining milk which conforms to standard, etc., of State.

WHEREAS, the consumers of the State are entitled to the best quality of milk obtainable and considerable difficulty has been experienced in obtaining out-of-State milk which conforms in classification, standards and sanitation with the milk produced, processed and distributed in the State, and

Necessity for standards of classification and sanitation of imported milk.

WHEREAS, it is necessary, in order to protect the health and safety of the people of the State, to set up adequate standards of classification and sanitation of imported milk: *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S. Ch. 106, amended.

SECTION 1. Amend Chapter 106 of the General Statutes by inserting after Article 28 of said Chapter and before Article 29 of said Chapter a new Article to be designated as Article 28A, which said new Article shall read as follows:

Article 28A, regulation of milk brought into N. C. from other States, enacted.

"Art. 28A. Regulation of Milk Brought Into North Carolina from Other States.

G. S. 106-226.1. Requirements to be complied with by out-of-State shippers of milk. and cream.

"SECTION 106-226.1. Requirements to be complied with by out-of-State shippers of milk or cream. No person, firm, association or corporation shall ship, transport, carry, send or bring into this State any milk or cream for fluid distribution without first having applied for and obtained from the Commissioner of Agriculture of this State a permit authorizing such transaction, shipment or transportation. In order to defray the expenses of the enforcement of this Article, the Commissioner of Agriculture shall collect a fee of twenty-five dollars ($25.00) for the issuance of such permit. The Board of Agriculture is authorized and empowered to establish, determine, fix and promulgate rules and regulations containing all necessary definitions, conditions, standards and classifications of the type, kind, quality, conditions of production, sanitary conditions and other reasonable requirements that must be complied with before milk or cream is shipped, transported, carried or brought into this State, including compliance with the Milk Audit Law of this State. Before any person, firm, association or corporation ships, transports, brings, sends or carries any milk or cream into this State, advance notice of such shipment or transportation shall be given to the Commissioner of Agriculture of this State and contain such information as the Board of Agriculture shall prescribe by

Permit required.

Fee for issuance of permit.

Rules and regulations as to requirements to be complied with.

Advance notice of shipment.

rules and regulations. The Commissioner of Agriculture is authorized to suspend, immediately upon notice to a permit holder any permit issued under authority of this Section if it is found by him that any of the conditions of the permit or any of the rules, regulations and laws have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Commissioner of Agriculture shall, immediately after prompt hearing and such other examinations or inspections as he deems proper, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued or as amended. Any permit issued by the Commissioner of Agriculture under the authority of this Section may be revoked after an opportunity for a hearing by the Commissioner of Agriculture, upon the violation by the holder of the permit or any of the terms, conditions, rules and regulations issued and promulgated by authority of this Section. All milk or cream shipped, transported, carried, sent or brought into this State shall be sold to, consigned to, delivered to, be transported, sent or carried only to a person, firm, association or corporation or to a milk distributor in this State holding or possessing an unrevoked permit from the Commissioner of Agriculture authorizing the receiving or importation of such milk or cream. All unrevoked permits issued under the authority of this Section shall become null and void after the expiration of December 31st of each year.

Authority of Commissioner to suspend permit for violation of regulations.

Application for reinstatement.

Reinstatement upon compliance.

Revocation of permit.

Persons authorized to receive imported milk or cream.

Expiration of permits.

In order that a sufficient supply of milk or cream shall always be available for the inhabitants of the State the Commissioner of Agriculture may issue to approved permit holders, or to non-permit holders, temporary emergency permits for limited periods or limited quantities of milk or cream and may restrict such permits to a limited area in accordance with such regulations as the Commissioner of Agriculture may prescribe for each temporary permit.

Emergency permits.

"SECTION 106-226.2. Requirements and standards for distributors in this State distributing imported milk. No person, firm, association or corporation shall import, transport into, receive, bring into or cause to be imported or to be sent into this State from another State for the purpose of sale, for the purpose of offering for sale, for the purpose of distribution any milk or cream unless such person, firm, association or corporation has obtained a permit from the Commissioner of Agriculture for such purpose. All permits issued under the authority of this Section shall be issued after the payment of a fee of twenty-five dollars ($25.00) to the Commissioner of Agriculture. The permits issued hereunder shall be conditioned upon compliance by the applicant or holder with the rules and regulations and laws of North Carolina governing milk or cream and such other definitions and standards as may be established and promul-

G. S. 106-226.2. Requirements and standards for distributors in this State distributing imported milk.

Permit required.

Fee for issuance of permit.

Conditions of permit.

Suspension of permit for violations.

Application for reinstatement.

Reinstatement upon compliance.

Revocation of permit.

"Stop sale, use or removal" order.

Release of milk or cream withdrawn from sale.

Expiration of permits.

Execution of authority hereunder.

Powers of Commissioner or agents with respect to inspections.

gated by the Board of Agriculture. The Commissioner of Agriculture is authorized to suspend, immediately upon due notice, any permit issued under authority of this Section if it is found by the Commissioner that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Commissioner of Agriculture shall, immediately after prompt hearing, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit as originally issued, or as amended. The permits issued hereunder may be revoked after due notice and an opportunity for hearing by the Commissioner of Agriculture upon a finding at such hearing of any violation of any of the conditions, terms or requirements established and promulgated by the Board of Agriculture or of any of the laws of the State governing milk or cream, including but not by way of limitation, the Milk Audit Law and other dairy laws of the State. It shall be the duty of the Commissioner of Agriculture to issue and enforce a written or printed "Stop sale, use or removal" order to the owner or custodian of any quantity of milk or cream imported, transported, or brought into this State and to hold the same at a designated place when the Commissioner of Agriculture finds that said milk or cream does not meet the requirements of the provisions of this Article or the rules and regulations promulgated thereunder, until the law has been complied with and said milk or cream is released in writing by the Commissioner of Agriculture or said violation has been otherwise legally disposed of by written authority or by written order by the Commissioner of Agriculture directing the owner or custodian to remove the milk or cream from the State. The Commissioner of Agriculture shall release the milk or cream so withdrawn from sale when the requirements of the provisions of this Article and the rules and regulations promulgated thereunder have been complied with and upon payment by the out-of-State shipper of all costs and expenses incurred in connection with the withdrawal. All unrevoked permits issued under the authority of this Section shall become null and void after the expiration of December 31st of each year. All authority vested in the Commissioner of Agriculture by virtue of the provisions of this Article may, with like force and effect, be executed by such employees and agents of the Commissioner of Agriculture as may, from time to time, be designated by him for such purpose. The Commissioner of Agriculture or his duly authorized agent shall have free access at all reasonable hours to any dairy, milk processing plant, distributing plant or any establishment, depot, tank, truck or vehicle which contains milk for the purpose of inspecting any milk or cream, containers, or any other establishment or device pertaining to the transportation, the distribution, bottling or storage of milk or cream for the purpose of determining whether any of the provisions of this Article or of the rules and regulations promulgated thereunder

have been violated, and the Commissioner of Agriculture may secure samples of specimens of any such milk or cream after paying or offering to pay for such sample.

Emergency permits.

In order that a sufficient supply of milk or cream shall always be available for the inhabitants of the State the Commissioner of Agriculture may issue to permit holders, or non-permit holders upon payment of a permit fee of twenty-five dollars ($25.00), temporary emergency permits for limited periods or limited quantities of milk or cream and may restrict such permits to a limited area or to a particular city or to a particular market or markets in accordance with such regulations as the Commissioner of Agriculture may prescribe for each temporary permit.

G. S. 106-226.3. Power to make rules and regulations.

"SECTION 106-226.3. Power to make rules and regulations. The Board of Agriculture is authorized to make such regulations not in conflict with this Article as shall be necessary to make the provisions of this Article effective and insure the proper enforcement of same, and a violation of such regulations shall be deemed a violation of this Article.

G. S. 106-226.4. Penalty for violation.

"SECTION 106-226.4. Penalty for violation. Any person, firm, association or corporation found guilty by a competent court of violating any of the provisions of this Article shall be guilty of a misdemeanor and upon plea of guilty or conviction shall be fined not to exceed fifty dollars ($50.00) for the first offense and for each subsequent offense shall be fined or imprisoned in the discretion of the court.

G. S. 106-226.5. Exemption clause.

"SECTION 106-226.5. Exemption clause. The provisions of this Article shall not be construed as extending to or applying to evaporated milk, powered whole milk, powdered skimmed milk, or cream used for manufacturing purposes. Out-of-State dairy farms producing milk for North Carolina plants under a permit from, and in accordance with the local health regulations of the county or city to which milk is being delivered, may be exempted from the provisions of this Article at the discretion of the Commissioner of Agriculture.

G. S. 106-226.6. Severability.

"SECTION 106-226.6. Severability. If any provision of this Article or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not effect the provisions or application of this Article which can be given effect without the invalidity provision or application, and to this end the provisions of this Article are declared to be severable."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

S. B. 384 **CHAPTER 823**

AN ACT TO ADJUST THE COMPENSATION OF CERTAIN LEGISLATIVE EMPLOYEES OF THE 1949 GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Compensation of elective clerks and other employees of General Assembly.

SECTION 1. The elective clerks and other employees of the 1949 General Assembly shall receive compensation on a per diem basis according to the following schedule:

Principal clerk of each house and chief enrolling clerks	$14.00
Journal clerks, calendar clerks, chief engrossing clerks, reading clerks, sergeants-at-arms, and one assistant calendar clerk in each house	12.00
Secretary to the Speaker of the House of Representatives, secretary to the Lieutenant-Governor, clerks to Finance and Appropriations Committee of each house, assistants to the engrossing clerks, assistant clerks to the principal clerks, the assistants appointed by the Secretary of State to supervise enrollment of bills and resolutions, the clerks to all committees which by the rules of either house are entitled to clerks, disbursing clerks and joint disbursing clerks	9.00
Typists who are not stenographers	8.00
Chief pages of both houses	6.00
All other pages	4.50
Chaplain for each house	7.00
All laborers	6.00

Salary schedule retroactive.

SEC. 2. The above salary schedule shall be effective retroactively to the first day of convening of the 1949 Session of the General Assembly, and shall become ineffective upon the completion of work in connection with the 1949 Assembly.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 194 **CHAPTER 824**

AN ACT TO AMEND G. S. 106-451, RELATING TO THE NUMBERING OF COTTON BALES BY PUBLIC GINNERIES.

The General Assembly of North Carolina do enact:

G. S. 106-451, amended as to numbering of cotton bales by public ginneries.

SECTION 1. G. S. 106-451 is hereby amended as follows: Delete in line 8 of this Statute "(1) Mark in color upon the bagging of the bale, in figures;". Renumber (2) to read (1), and renumber (3) to read (2).

Further amend by adding the following paragraphs:

Penalty for purchase of bale of cotton on which number has been removed, etc.

"Any person, firm or corporation buying a bale of cotton on which this number has: (1) been removed; (2) defaced by cutting; (3) or otherwise altered, unless a new metal strip is attached and impression made by the original gin ginning said bale or bales of cotton, shall be guilty of a misdemeanor for each and every offense and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not more than thirty (30) days.

Registration of cotton received at public gin.

"Every public ginnery, as defined in the first paragraph of this Section, shall keep a book in which shall be registered all cotton received at the gin to be ginned in the name of the owner of the cotton and the name of the person from whom the cotton is received for ginning. Any person giving false information for entry in this book shall be guilty of a misdemeanor. There shall be furnished by the ginner for each bale of cotton ginned, to the owner thereof, a gin ticket bearing the name of the gin, the serial number of the bale prescribed by the first paragraph of this Section, the weight of the bale and the name of the owner of the cotton. Such gin ticket shall be presented, for comparison with the serial number prescribed in the first paragraph of this Section, at the time such bale is sold or offered for sale, as prima facie evidence of ownership thereof."

Penalty for false registration.

Gin tickets furnished by ginner; contents.

Presentation of ticket at time of sale as evidence of ownership.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 350 CHAPTER 825

AN ACT TO VALIDATE CERTAIN CORPORATE CONVEYANCES.

The General Assembly of North Carolina do enact:

G. S. 55-41.2, enacted.

SECTION 1. There is hereby added to the General Statutes of North Carolina a new Section to be designated General Statutes 55-41.2, which shall be in words and figures as follows:

Certain conveyances of corporations now dissolved validated.

All deeds and conveyances of land in this State, made by any corporation of this State prior to January 1, 1939, executed in its corporate name and signed by either its president, vice-president, or secretary, and sealed with the common seal of the corporation, where said corporation has been dissolved for at least seven years, and said deed or conveyance has been on record for at least seven years, shall be good and valid, notwithstanding the failure of one of such officers to sign such instrument.

Pending litigation unaffected.

SEC. 2. This Act shall not apply to pending litigation.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 459 CHAPTER 826

AN ACT TO AMEND SECTION 20-7 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE EXPIRATION OF MOTOR VEHICLE OPERATORS' LICENSES ISSUED PRIOR TO JULY 1, 1947.

The General Assembly of North Carolina do enact:

G. S. 20-7, Uniform Drivers License Act, amended.

SECTION 1. Insert a new Subsection in Section 20-7 of the General Statutes (1947 Cumulative Supplement), to be designated (m), to follow immediately Subsection (l) and to read as follows:

Expiration of operators' licenses issued prior to July 1, 1947.

"(m) All operators' licenses issued by the Department of Motor Vehicles prior to July 1, 1947 shall expire as follows and the holders thereof shall not be permitted to operate motor vehicles over the highways of North Carolina unless they secure new operators' licenses as required by law:

Expirations as per schedule.

(a) A license issued to a person whose last or surname begins with the letter "A" or the letter "B" shall expire upon the ratification of this Act;

(b) A license issued to a person whose last or surname begins with the letter "C" or the letter "D" shall expire upon the ratification of this Act;

(c) A license issued to a person whose last or surname begins with the letter "E", "F" or "G" shall expire upon the ratification of this Act;

(d) A license issued to a person whose last or surname begins with the letter "H", "I", "J" or "K" shall expire at midnight, June 30, 1949;

(e) A license issued to a person whose last or surname begins with the letter "L" or the letter "M" shall expire at midnight, December 31, 1949;

(f) A license issued to a person whose last or surname begins with the letter "N", "O", "P", "Q" shall expire at midnight, June 30, 1950;

(g) A license issued to a person whose last or surname begins with the letter "R", "S" or "T" shall expire at midnight, December 31, 1950;

(h) A license issued to a person whose last or surname begins with the letter "U", "V", "W", "X", "Y" or "Z" shall expire at midnight, June 30, 1951."

SEC. 2. Further amend Section 20-7 of the General Statutes (1947 Cumulative Supplement) by redesignating Subsection (m) thereof as Subsection (n).

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 545 CHAPTER 827

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF TYRRELL COUNTY TO LEVY AND COLLECT 5c ON THE $100.00 ADDITIONAL TAXES FOR THE MAINTENANCE AND OPERATION OF A LIBRARY IN SAID COUNTY. INTRODUCED BY REQUEST OF THE COUNTY BOARD OF COMMISSIONERS.

Preamble: Tyrrell County, request for authority to levy special tax.

WHEREAS, the Board of County Commissioners of Tyrrell County has requested authority of the General Assembly to permit them to levy and collect an additional tax upon taxable property in said county for the maintenance and operation of a library in an amount not to exceed five cents (5c) upon each one hundred dollars ($100.00) in value: *Now, therefore,*

The General Assembly of North Carolina do enact:

Tyrrell County, special tax levy for maintenance and operation of library authorized.

SECTION 1. The Board of County Commissioners of Tyrrell County is authorized, in its discretion, to levy and collect a special tax for the maintenance and operation of a library in said county, in addition to all other tax levies now authorized by law for such purpose, in an amount not to exceed five cents (5c) on each one hundred dollars ($100.00) in value of the taxable property in said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 799 CHAPTER 828

AN ACT TO AMEND G. S. 106-84 RELATING TO THE METHOD OF PAYMENT OF TONNAGE FEES ON LIME AND LANDPLASTER.

The General Assembly of North Carolina do enact:

G. S. 106-84, amended.

SECTION 1. Amend G. S. 106-84, Subsection (c) by adding at the end of said Subsection the following:

Use of reporting system in payment of tonnage fees on agricultural liming material, etc.

"(a) 'Reporting System'. Any manufacturer, importer, jobber, firm, corporation or person who distributes materials coming under this Article in this State may make application for a permit to report the materials sold and pay the tonnage fees as set forth in Subsection (b) of this Section, as the basis of said report, in lieu of affixing inspection tags or labels. The Commissioner of Agriculture may, in his discretion, grant such permit.

The issuance of all permits will be conditioned on the applicant's satisfying the Commissioner that he has a good bookkeeping system and keeps such records as may be necessary to indicate accurately the tonnage of liming materials, etc. sold in the State and as are satisfactory to the Commissioner of Agriculture, and granting the Commissioner, or his duly authorized representative, permission to examine such records and verify the statement. The report shall be quarterly and the tonnage fees shall be due and payable quarterly, on or before the tenth day of January, April, July, and October of each year, covering the tonnage of liming materials, etc. sold during the preceding quarter. The report shall be under oath and on forms furnished by the Commissioner. If the report is not filed and the tonnage fees paid by the tenth day following the date due or if the report be false, the Commissioner may revoke the permit, and if the tonnage fees be unpaid after a fifteen day grace period, the amount shall bear a penalty of ten per cent which shall be added to the tonnage fees due and shall constitute a debt and become the basis of judgment against the securities or bonds which may be required. That in order to guarantee faithful performance with the provisions of this Act each manufacturer, importer, jobber, firm, corporation or person shall, before being granted a permit to use the reporting system, deposit with the Commissioner cash in the amount of two hundred fifty dollars ($250) or securities acceptable to the Commissioner of a value of at least two hundred fifty dollars ($250) or shall post with the Commissioner a surety bond in like amount, executed by some corporate surety company authorized to do business in North Carolina. The Commissioner shall approve all such securities and bonds before acceptance."

Condition of issuance of permit.

Quarterly reports and payments of tonnage fee.

Form of report.

Revocation of permit.

Penalty on unpaid tonnage fees.

Securities or surety bond required.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 907 CHAPTER 829

AN ACT RELATING TO AGRICULTURAL FAIRS.

The General Assembly of North Carolina do enact:

SECTION 1. Article 45 of Chapter 106 of the General Statutes is hereby amended by adding a new part at the end thereof, to be designated as Part 4, and to read as follows:

G. S. Ch. 106, amended.

"Part 4. Supervision of Fairs.

Part 4, Supervision of Fairs, enacted.

G. S. 106-520.1. Definition.

"Fair."

"SEC. 106-520.1. Definition. As used in this Article the word "fair" means a bona fide exhibition designed, arranged and operated to promote, encourage and improve agriculture, horticulture, livestock, poultry, dairy products, mechanical fabrics, domestic economy, and 4-H Club and Future Farmers of America activities, by offering premiums and awards for the best exhibits thereof or with respect thereto.

G. S. 106-520.2. Use of "fair" in name of exhibition.

"SEC. 106-520.2. Use of "fair" in name of exhibition. It shall be unlawful for any person, firm, corporation, association, club, or other group of persons to use the word "fair" in connection with any exhibition, circus, show, or other variety of exhibition unless such exhibition is a fair within the meaning of G. S. 106-520.1.

G. S. 106-520.3. Commissioner of Agriculture to regulate.

Compliance with regulations.

License required.

"SEC. 106-520.3. Commissioner of Agriculture to regulate. The Commissioner of Agriculture, with the advice and approval of the State Board of Agriculture, is hereby authorized, empowered and directed to make rules and regulations with respect to classification, operation and licensing of fairs, so as to insure that such fairs shall conform to the definition set out in G. S. 106-520.1, and shall best promote the purposes of fairs as set out in such definition. Every fair, and every exhibition using the word "fair" in its name, except fairs classified by the Commissioner of Agriculture as non-commercial community fairs, must comply with the standards, rules and regulations set up and promulgated by the Commissioner of Agriculture, and must secure a license from the Commissioner of Agriculture before such exhibition or fair is staged or operated. No license shall be issued for any such exhibition or fair unless it meets the standards and complies with the rules and regulations of the Commissioner of Agriculture with respect thereto.

G. S. 106-520.4. Local supervision of fairs.

"SEC. 106-520.4. Local supervision of fairs. No county or regional fairs shall be licensed to be held unless such fair is operated under supervision of a local board of directors who shall employ appropriate managers, who shall be responsible for the conduct of such fair, and otherwise comply with the standards, rules and regulations promulgated by the Commissioner of Agriculture. The Commissioner of Agriculture, with the advice and approval of the State Board of Agriculture, shall make rules and regulations requiring county and regional fairs to emphasize agricultural, educational, home and industrial exhibits by providing adequate premiums.

G. S. 106-520.5. Reports.

"SEC. 106-520.5. Reports. Every fair shall make such reports to the Commissioner of Agriculture, as said Commissioner may require.

G. S. 106-520.6. Premiums and premium lists supplemented.

"SEC. 106-520.6. Premiums and premium lists supplemented. The State Board of Agriculture may supplement premiums and premium lists for county and regional fairs and the North Carolina State Fair, and improve and expand the facilities for

exhibits at the North Carolina State Fair, at any time or times, out of any funds which may be available for such purposes.

"SEC. 106-520.7. Any person who violates any provision of G. S. 106-520.1 through G. S. 106-520.6, is guilty of a misdemeanor punishable by fine or imprisonment in the discretion of the court." G. S. 106-520.7. Violations made misdemeanor.

SEC. 2. (a) G. S. 106-505 is hereby amended by adding immediately following the word "choose" and immediately preceding the word "and" in line 8 the words "subject to any other applicable provisions of law", and by striking out the words "not exceeding ten thousand dollars in value" in lines 11 and 12. G. S. 106-505, incorporation, etc., of county agricultural societies, amended.

(b) G. S. 106-505 is hereby further amended by adding the following paragraph immediately following the first paragraph: G. S. 106-505, further amended.

"Whenever any such association is formed subsequent to April 1, 1949, a copy of the articles of incorporation shall be filed with the Secretary of State, together with any other information the Secretary of State may require. A fee of ten dollars ($10.00) shall be paid to the Secretary of State when such articles are filed. Upon receipt of such articles in proper form, and such other information as may be required, and the filing fee, the Secretary of State shall issue a charter of incorporation." Articles of incorporation filed with Secretary of State. Filing fee. Issuance of charter of incorporation.

(c) G. S. 106-507 is hereby amended by striking out the words "a committee consisting of the president of the North Carolina association of agricultural fairs," in lines 14, 15 and 16, and by striking out the words "and the director of the extension service of North Carolina State College" in lines 16, 17 and 18, and by striking out the word "committee" after the word "said" in line 19 and in line 28 and inserting in lieu thereof in each instance the words "Commissioner of Agriculture". G. S. 106-507, exhibits exempt from State and county taxes, amended.

(d) G. S. 106-508 is hereby amended by inserting the words "or region," immediately following the word "county" in line 12 and immediately following the word "county" in line 15. G. S. 106-508, funds to be used in paying premiums, amended.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 937 CHAPTER 830

AN ACT RELATING TO THE TERM OF OFFICE OF THE REGISTER OF DEEDS OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Bladen County, quadrennial election of Register of Deeds.

SECTION 1. At the general election for the year 1950 and quadrennially thereafter there shall be elected in Bladen County, North Carolina, by the qualified voters thereof a register of deeds, who shall serve for a term of four years from the first Monday in December 1950 and until a successor is elected and qualified.

G. S. 161-2, amended to conform.

SEC. 2. G. S. 161-2 is amended by striking out the word "Bladen" in line 10.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 939 CHAPTER 831

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF GATES COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF OFFICES OF COUNTY ACCOUNTANT AND OF FARM AND HOME DEMONSTRATION AGENTS.

The General Assembly of North Carolina do enact:

Gates County, special tax levy for payment of salary and expenses of county accountant.

SECTION 1. The Board of County Commissioners of Gates County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Control Act, Chapter 146, Public Laws of 1927, as amended.

Special tax levy for payment of salaries and expenses of farm and home demonstration agents.

SEC. 2. The Board of County Commissioners of Gates County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salaries of the county farm demonstration agent and the county home demonstration agent and the necessary expenses incident

to the performance of their work as farm demonstration agent and home demonstration agent.

Partial invalidity section.

SEC. 3. If any Section or part of any Section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 1016 CHAPTER 832

AN ACT AUTHORIZING THE LEVYING OF CERTAIN SPECIAL TAXES IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Chatham County, special tax levies for necessary purposes authorized.

SECTION 1. The Board of Commissioners of Chatham County is hereby authorized to levy, impose and collect special ad valorem taxes required for the special and necessary purposes, and subject to the several limitations hereinafter set forth, such taxes to be in addition to any taxes authorized by any other special or general Act and in addition to the constitutional limit of taxes levied for general county purposes, it being the purpose of the General Assembly hereby to give its approval for the levy of such special taxes for such necessary purposes.

Enumeration of purposes; rates of taxation.

SEC. 2. The special taxes authorized by this Act shall be levied for and applied to the following purposes, and shall not in any instance exceed the rates specified for those purposes, namely:

County Health—not in excess of $.06 on the $100 valuation

County Dependents—not in excess of $.08 on the $100 valuation

Fire Prevention and Protection—not in excess of $.02 on the $100 valuation

Outside Poor—not in excess of $.06 on the $100 valuation

County Welfare—not in excess of $.06 on the $100 valuation

Aid to Blind—not in excess of $.01 on the $100 valuation

Old Age Assistance—not in excess of $.07 on the $100 valuation

Aid to Dependent Children—not in excess of $.03 on the $100 valuation

County Farm and Home Demonstration Agents—not in excess of $.08 on the $100 valuation

County Criminal and Superior Courts—not in excess of $.06 on the $100 valuation

Application of Act.

SEC. 3. This Act shall apply only to Chatham County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 1116 CHAPTER 833

AN ACT TO AMEND SECTION 4, CHAPTER 142, PRIVATE LAWS, 1921, AND SECTIONS 1, 2, AND 3, CHAPTER 908, SESSION LAWS, 1947, RELATING TO THE DAY OF THE WEEK UPON WHICH MUNICIPAL PRIMARIES AND ELECTIONS FOR THE ELECTIVE OFFICERS OF THE CITY OF DURHAM SHALL BE HELD; THE ARRANGEMENT OF NAMES OF CANDIDATES ON THE BALLOTS; PROVIDING THAT SECTIONS 1, 2, AND 3 OF SAID ACT SHALL BE EFFECTIVE ON AND AFTER JANUARY 1, 1950, IF RATIFIED BY THE VOTERS OF SAID CITY OF DURHAM AT AN ELECTION TO BE HELD MAY 3, 1949; AND PROVIDING THAT SECTIONS 4 AND 5 OF SAID ACT SHALL BE EFFECTIVE FROM AND AFTER RATIFICATION BY THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Ch. 142, Private Laws, 1921, amended as to time of general municipal elections, City of Durham.

SECTION 1. That Section 4 of Chapter 142, Private Laws, 1921, be and the said Section is hereby amended by striking out the words "first Tuesday" appearing in line 3 of said Section 4 and substituting in lieu thereof the words "second Saturday", so that the said Section 4 shall hereafter read as follows:

SEC. 4. The general municipal elections shall take place on the first Tuesday after the first Monday in May, 1921, and on the second Saturday after the first Monday in May, biennially thereafter.

Ch. 908, Session Laws, 1947, amended as to day for election of mayor and aldermen.

SEC. 2. That Section 1, Chapter 908, Session Laws of North Carolina, 1947, be and the said Section is hereby amended by striking out the words "first Tuesday" appearing in line 19 thereof and substituting the words "second Saturday" in lieu of the words so stricken.

Time of primary elections.

SEC. 3. That Section 2, Chapter 908, Session Laws of North Carolina, 1947, be and the same is hereby amended by striking out the word "Tuesday" appearing in line 6 of said Section 2 and substituting in lieu of said stricken word the word "Saturday".

Chapter further amended as to form of ballots, primary elections.

SEC. 4. That Section 2, Chapter 908, Session Laws of North Carolina, 1947, be and the same is hereby amended by striking out the word "alphabetically" appearing in line 40 of said Section; by striking out the words "and arranged in alphabetical order" appearing in line 45 of said Section; by striking out the words "and be arranged in alphabetical order" appearing in line 49 of said Section; and by inserting a new sentence after the period following the word "election" and before the next sentence which begins with the words "The election officers" in line 69 of said Section 2, said new sentence to read as follows, to-wit:

Printing of ballots, primary elections.

The ballots containing the names of the respective candidates shall be so printed that the names of the opposing candidates for any office shall, as far as practicable, alternate in position upon the ballot, to the end that the name of each candidate shall occupy with reference to the name of every other candidate for the same office, first position, second position, and every other position, if any, upon an equal number of ballots, and the said ballots shall be distributed impartially and without discrimination.

Form of ballot, general municipal election.

SEC. 5. That Section 3, Chapter 908, Session Laws of North Carolina, 1947, be and the same is hereby amended by striking out the language "arranged alphabetically" appearing in line 10 of said Section 3; by striking out the words "and arranged in alphabetical order" appearing in line 13 of said Section 3; by striking out the words "and arranged in alphabetical order" appearing in line 18 of said Section 3; and by inserting a new sentence between the sentence which ends with the period and word "positions" in line 27 of said Section 3 and the next sentence which begins with the words "At the close", such new sentence to read as follows, to-wit:

Printing of ballots, general municipal election.

The ballots containing the names of the respective candidates shall be so printed that the names of the opposing candidates for any office shall, as far as practicable, alternate in position upon the ballot, to the end that the name of each candidate shall occupy with reference to the name of every other candidate for the same office, first position, second position, and every other position, if any, upon an equal number of ballots, and the said ballots shall be distributed impartially and without discrimination.

Effective date of Sections 4 and 5 hereof.

SEC. 6. The provisions of Section 4 and Section 5 of this Act shall be in full force and effect from and after the ratification of this Act by the General Assembly; but it is hereby expressly provided that the provisions of Sections 1, 2, and 3, of this Act shall not take effect unless they shall be approved by the electors of the City of Durham as provided for in Section 7 of this Act, and in the event the said described provisions are so approved and ratified by the electors, they shall become effective on January 1, 1950.

Sections 1, 2 and 3, subject to election.

Provisions for election.

SEC. 7. On the third day of May, 1949, there shall be held in the City of Durham an election for the elective officers of said city, at which all the voters who are then registered and qualified to vote in such election shall be entitled to vote for the purpose of determining whether it is the will of such voters that the provisions of Sections 1, 2, and 3 of this Act shall become law applicable to the City of Durham. Said election shall be conducted in all things by the Board of Elections of Durham County at the same time and in the same manner as is conducted the election for the elective officers of said city. At each voting precinct in said city at such election there shall be provided at least one box, and such additional number as may be required, in which each person entitled to vote may deposit one ballot. Such box shall be used at said election only for the deposit of ballots cast under the provisions of this Act and the ballots cast for candidates for office shall not be deposited in these boxes. The Board of Elections of Durham County shall cause to be printed and furnished to the election officials at each voting precinct in said city a sufficient number of ballots for use by the qualified voters at such precinct on the day of said election; on which ballots shall be printed the words "Favor Tuesday" and "Favor Saturday" with squares of the size otherwise provided by the election laws appearing immediately opposite and preceding such words. Those wishing to vote that the provisions of Sections 1, 2, and 3 of this Act shall become law applicable to the City of Durham, and that thereby the day of the week for the holding of general municipal elections and primaries for the elective officers of the City of Durham shall be changed from Tuesday to Saturday, may place a cross mark in the square opposite the language "Favor Saturday" on said ballot; and those wishing to vote that the provisions of Sections 1, 2, and 3 of this Act do not become effective, and that thereby the day of the week for the holding of such elections and primaries above mentioned shall remain Tuesday, may place a cross mark in the square opposite the language "Favor Tuesday" on said ballot. If, at such election, there are more "Favor Saturday" than "Favor Tuesday" ballots cast, then and in such event the provisions of Sections 1, 2, and 3 of this Act shall be ratified and approved and shall become effective on January 1, 1950; but if, at such election, there are more "Favor Tuesday" than "Favor Saturday" ballots cast, then and in that event the provisions of Sections 1, 2, and 3 of this Act shall be disapproved and defeated and shall not be or become in force or effect.

Conduct of election.

Ballot boxes.

Ballots.

Form of ballot.

Effect of election results.

Conflicting laws repealed.

SEC. 8. All laws in conflict herewith are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 1119 CHAPTER 834

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF DURHAM TO MAKE REASONABLE APPROPRIATIONS OF PUBLIC FUNDS FOR USE IN CONNECTION WITH MAKING SURVEYS AND STUDIES AND TO DEFRAY OTHER NECESSARY EXPENSES IN COOPERATING WITH THE COUNTY OF DURHAM IN ZONING AND PLANNING MATTERS OUTSIDE OF BUT NEAR THE CORPORATE BOUNDARIES.

The General Assembly of North Carolina do enact:

City of Durham, appropriations for surveys and studies of planning and zoning in cooperation with Durham County.

SECTION 1. The Governing Body of the City of Durham is hereby authorized and directed to appropriate and expend public funds for use in connection with making surveys and studies and for the purpose of defraying other reasonable expenses in cooperating with the County of Durham or any of its agencies in zoning and planning matters outside of but near enough to the corporate boundaries of the City of Durham as to affect the salutary operation and effect of the planning and zoning regulations and uses existing within said city and the growth of said city or as may reasonably be expected or anticipated to affect the same in the future.

Purposes herein declared public purposes.

SEC. 2. The purposes and uses herein mentioned are hereby declared to be public uses and public purposes.

Conflicting laws repealed.

SEC. 3. All laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 1120 CHAPTER 835

AN ACT TO ENABLE THE COUNTY BOARD OF ELECTIONS OF GUILFORD COUNTY AND THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF HIGH POINT THE AUTHORITY TO CREATE VOTING DISTRICTS IN SAID CITY.

The General Assembly of North Carolina do enact:

City of High Point, establishment of voting districts by County and City Boards of Elections.

SECTION 1. The County Board of Elections of Guilford County is hereby authorized and empowered, in its discretion, to, from time to time, create, modify, discontinue, or to create for a designated election only, voting districts in the City of High Point, to be composed of one or more precincts. It shall not be necessary in such districts to provide and designate more than

one polling place. The Municipal Board of Elections of the City of High Point is hereby granted the same authority with respect to municipal elections.

Notice of creation, modification, etc.

SEC. 2. The County Board of Elections of Guilford County or the Municipal Board of Elections of the City of High Point in the case of the creation, modification, or discontinuance of any voting district shall give notice thereof. Such notice shall be published in a newspaper of general circulation in the City of High Point once a week for three consecutive weeks immediately preceding the date of election.

Publication of notice.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 1191 CHAPTER 836

AN ACT TO AMEND SENATE BILL NO. 31 TO CLARIFY THE PROVISIONS THEREOF AS TO LOCAL SCHOOL EMPLOYEES PAID IN PART FROM STATE AND LOCAL FUNDS.

The General Assembly of North Carolina do enact:

Ch. 223, Session Laws, 1949, amended to extend salary increases to school employees paid from State and local funds.

SECTION 1. Funds appropriated to the State Board of Education and sent to county and city administrative units as authorized by Senate Bill No. 31, for increases of salaries or wages of school employees whose salaries or wages are not fixed by the State salary schedule, may be used to the extent available by the local authorities to increase the salaries or wages of those school employees who are paid directly from State funds, in whole or in part, and those who are paid from local funds, in whole or in part.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. B. 14 **CHAPTER 837**

AN ACT TO REPEAL CHAPTER 508 OF THE PUBLIC LAWS OF 1933 RELATING TO SALE OF BEER IN YANCEYVILLE.

The General Assembly of North Carolina do enact:

Ch. 508, Public Laws, 1933, amended as to regulation of sale of beer and wines, Town of Yanceyville.

SECTION 1. Section 2 of Chapter 508 of the Public Laws of 1933 is hereby amended by striking out in lines 6, 7, and 8 of said Section the following language: "on the Public Square coming under the provisions of said Act or within seventy-five feet each way from the outer margins of said square", and inserting in lieu thereof the following: "situated on any State or Federal highways running through the limits of the Village of Yanceyville or within seventy-five feet on either side of said highways."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 501 **CHAPTER 838**

AN ACT TO AUTHORIZE CERTAIN POLICE OFFICERS OF THE CITY OF ALBEMARLE TO ISSUE WARRANTS.

The General Assembly of North Carolina do enact:

City of Albemarle, authority of certain police officers to issue warrants.

SECTION 1. Such Police Officers of the City of Albemarle as may be designated by the Board of Commissioners of the City of Albemarle as desk officers are hereby authorized and empowered to issue warrants for the apprehension of persons charged with having committed any criminal offense within the jurisdictional limits of the City of Albemarle, such warrants to be issued in accordance with Article 3 of Chapter 15 of the General Statutes of North Carolina. Such warrants may be directed to and executed by any police officer or other lawful officer within the City of Albemarle or its jurisdictional limits.

Construction of Act.

SEC. 2. This Act shall not be construed to authorize desk officers of the Police Department of the City of Albemarle to issue search warrants or peace warrants.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 680 **CHAPTER 839**

AN ACT RELATING TO THE PUBLICATION OF THE RECEIPTS AND THE EXPENDITURES OF PUBLIC FUNDS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Avery County, Boards of County Commissioners and Education; quarterly publication of receipts and expenditures.

SECTION 1. The Board of County Commissioners and Board of Education of Avery County are hereby authorized and directed to publish quarterly in a newspaper having general circulation in Avery County an itemized list of all receipts and expenditures of county tax funds received and expended by the respective boards.

List of expenditures.

SEC. 2. The list of expenditures shall contain the voucher number, payee, and amount of expenditure. Nothing in this Act shall apply to expenditures for old age assistance, aid to dependent children or other welfare program to which the State and/or Federal governments may contribute.

Payment of costs of publication.

SEC. 3. The respective boards are hereby authorized to expend an amount not exceeding twenty-five dollars ($25.00) per quarter for the said newspaper publication, and in the event the said publication expenses shall exceed twenty-five dollars ($25.00) per quarter, the said boards in lieu thereof are required and directed to publish the said itemized statement of receipts and expenditures at the courthouse door and three other public places in Avery County.

Effective date.

SEC. 4. The provisions of this Act shall be in effect for the quarter ending June 30, 1949 and quarterly thereafter.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 894 CHAPTER 840

AN ACT TO AMEND SECTION 4 OF CHAPTER 240 OF THE SESSION LAWS OF 1943 RELATING TO THE SALARY OF THE CLERK OF THE RECORDER'S COURT AND THE ASSISTANT CLERK OF THE RECORDER'S COURT OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Ch. 240, Session Laws, 1943, amended to increase salaries of clerk and assistant clerk, Recorder's Court, Union County.

SECTION 1. Section 4 of Chapter 240 of the Session Laws of 1943 is hereby amended by striking out the words and figures "six hundred dollars ($600.00)" which appear at the end of line 2 of said Section and inserting in lieu thereof the words and figures "nine hundred dollars ($900.00)", and by striking out the words and figures "four hundred fifty dollars ($450.00)" which appear after the word "of" and before the word "per" in line 5 of said Section and inserting in lieu thereof the words and figures "six hundred dollars ($600.00)".

Increases to be retroactive.

SEC. 2. Such increases are hereby declared to be retroactive to July 1, 1948.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 934 CHAPTER 841

AN ACT TO FIX THE SALARIES OF COUNTY OFFICERS OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Davie County, salaries of county officials.

SECTION 1. Effective as of the first day of the month following the ratification of this Act, the annual salaries of the following named officers of Davie County shall be in the amounts appearing after their respective names:

Sheriff, twenty-eight hundred seventy-five dollars ($2875.00) in addition to all fees; Clerk of the Superior Court, twenty-four hundred fifteen dollars ($2415.00), exclusive of compensation as Judge of the Juvenile Court; Register of Deeds, twenty-four hundred fifteen dollars ($2415.00), exclusive of compensation as

clerk to board of county commissioners; County Accountant, twenty hundred seventy dollars ($2070.000); County Tax Collector, twenty hundred seventy dollars ($2070.00); Secretary to the Register of Deeds, thirteen hundred eighty dollars ($1380.00); Secretary to the Clerk of the Superior Court, thirteen hundred eighty dollars ($1380.00); two County Commissioners, three hundred dollars ($300.00) each; Chairman of the Board of County Commissioners, three hundred and fifty dollars ($350.00), and the same shall receive seven cents mileage in addition to salary.

Effective date.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1060 CHAPTER 842

AN ACT TO FIX THE FEES OF THE CLERKS OF THE SUPERIOR COURTS IN CUMBERLAND, HARNETT AND HOKE COUNTIES.

The General Assembly of North Carolina do enact:

Fees of Clerks of Superior Court, Cumberland, Harnett and Hoke Counties.

SECTION 1. The Clerks of the Superior Courts of Cumberland, Harnett and Hoke Counties are hereby authorized and directed to assess as cost in such Superior Courts the following amounts:

Appeal from inferior court, docketing same	$1.00
Presentments, each defendant in bill	.25
Subpoena, each name	.25
Filing papers	.50
Seal, when necessary	.50
Empanelling jury	.25
Judgment final against each defendant	2.00
Judgment Nisi	1.00
Transcript, each sheet	.25
Recording in minutes	.50
Sheriff arrest fees	2.00
County tax when jury empanelled	6.00

Assessment of costs.

SEC. 2. The schedule of costs as set forth in Section 1 above, shall be assessed in the bill of costs, in all criminal cases, and other than as above enumerated, the cost shall be assessed as now provided by law.

Fees in civil actions.

SEC. 3. The Clerks of the Superior Courts of Cumberland, Harnett and Hoke Counties shall assess and charge in the bill of costs in civil cases in such Superior Courts the following fees:

Appeal from Justices, including docketing	$4.50
Orders and decrees	.50
Subpoenas, each name	.25
All notices	.50
Judgment final in term time	2.00
Judgment final before clerk, including docketing	1.00
County Tax, when jury empaneled	6.00
Sheriff's costs, serving summons	2.00
Serving witnesses	1.00
Adoptions	10.00
Probate for all deeds, and deeds of trust, and mortgages upon real estate	.50
All chattel mortgages	.25
Indexing and recording corporate charters	5.00

SEC. 4. That the fees enumerated in Section 3 above, shall be the rate of the bill of costs to be charged by said clerks in civil matters, and except as enumerated in the above Section 3, the cost shall be assessed as now provided by law.

Application of Act.

SEC. 5. This Act shall only apply to Cumberland, Harnett and Hoke Counties.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1061 CHAPTER 843

AN ACT TO FIX MINIMUM FEES FOR THE REGISTERS OF DEEDS OF HARNETT AND HOKE COUNTIES.

The General Assembly of North Carolina do enact:

Minimum fee of Register of Deeds, Harnett and Hoke Counties.

SECTION 1. The minimum fee for any paper writing to be recorded in the office of the Register of Deeds in Harnett or Hoke County shall be the sum of one dollar ($1.00); and for registering any deed or other writing authorized to be registered by him with certificate of probate or acknowledgment, containing not more than three copy sheets, one dollar ($1.00); and for every additional copy sheet, fifteen cents (15c), *provided, however,* that the minimum fee for any paper to be recorded shall be one dollar ($1.00); and for recording plats, twenty-five cents (25c) per lot with a maximum fee of five dollars ($5.00) and minimum fee of three dollars ($3.00) for any plat to be recorded, plats to be accepted on white linen paper and ink only, and to be of standard size 18 x 22 inches.

Fee for recording chattel mortgage and crop lien.

SEC. 2. Notwithstanding any other provisions of this Act, the fee for recording a chattel mortgage shall be fifty cents (50c) and the fee for recording a crop lien shall be seventy-five cents (75c), unless forms in such cases are other than those approved by the register of deeds or contain special agreements which make it impractical, in the opinion of the register of deeds, to use approved forms.

Application of Act.

SEC. 3. This Act shall apply only to Harnett and Hoke Counties.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1086 CHAPTER 844

AN ACT TO PREVENT TRESPASSING AND DEPREDATIONS ON SCHOOL PROPERTY IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Chatham County, trespassing upon school property during certain hours prohibited.

Exceptions.

SECTION 1. It shall be unlawful for any person, either afoot or by vehicle, to enter, remain, or loiter on any school property in Chatham County, between the hours of 6:00 P. M. and 6:00 A. M., except in the discharge of official school duties or business, or in attendance upon lectures or classes, or while attending or participating in school sponsored or approved athletic, educational, or social activities.

Depredation, etc., of school property prohibited.

SEC. 2. It shall be unlawful for any person at any time to commit any nuisance or depredation, or inflict any damage upon any school property in Chatham County, or to engage in any immoral or disorderly conduct thereon.

Violations made misdemeanor.

SEC. 3. Any person found guilty of violating any provision of this Act shall be guilty of a misdemeanor, and subject to punishment by fine or imprisonment, or both, in the discretion of the court.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1131 CHAPTER 845

AN ACT TO AMEND G. S. 14-197 IN RESPECT TO THE USE OF PROFANE OR INDECENT LANGUAGE ON THE HIGHWAYS IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

G. S. 14-197, penalty for use of profane language on public highways, amended to apply to Watauga County.

SECTION 1. G. S. 14-197, as amended, is hereby further amended by striking out the word "Watauga" from the list of counties exempted from the provisions of G. S. 14-197.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1133 CHAPTER 846

AN ACT RELATING TO THE UNDERTAKING TO BE GIVEN BY A DEFENDANT IN AN EJECTMENT PROCEEDING UPON REMOVAL OF SAID CAUSE FROM A COURT OF A JUSTICE OF THE PEACE TO THE CLEVELAND COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Cleveland County, ejectment proceedings, defendants undertaking upon removal from J. P. to Recorders Court.

SECTION 1. In all cases where the defendant in an ejectment proceeding asks for removal of said cause from a justice of the peace court to the Cleveland County Recorder's Court, said removal shall be had only on condition that an undertaking be given by said defendant in an amount not less than one year's rent of the premises, with sufficient surety, who shall justify and be approved by the justice of the peace having jurisdiction, to be void if the defendant pays any judgment which the plaintiff may recover for rent, and for damages for the detention of the land or premises.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1157 **CHAPTER 847**

AN ACT TO FIX THE COMPENSATION OF THE REGISTER OF DEEDS, THE DEPUTY REGISTER OF DEEDS, AND TO PROVIDE FOR ADDITIONAL CLERICAL ASSISTANTS IN THE OFFICE OF THE REGISTER OF DEEDS IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Union County, compensation of Register of Deeds.

SECTION 1. The Board of County Commissioners of Union County is hereby authorized to fix the compensation of the register of deeds at a salary of not less than twenty-four hundred dollars ($2400.00) per year, and not more than twenty-eight hundred dollars ($2800.00) per year, payable monthly, by the board of county commissioners out of the general fund of the county.

Compensation of Deputy Register of Deeds.

SEC. 2. The Board of County Commissioners of Union County is hereby authorized to fix the compensation of the deputy register of deeds at a salary of not less than one thousand nine hundred fifty dollars ($1,950.00) per year and not more than two thousand two hundred fifty dollars ($2,250.00) per year, payable monthly by the board of county commissioners out of the general fund of the county.

Appointment of additional deputy and clerical assistants authorized.

SEC. 3. The Board of County Commissioners of Union County is hereby authorized to appoint an additional deputy register of deeds, and employ such other clerical assistants for the office of the register of deeds as may appear to said board necessary for the proper discharge of the duties of said office, and shall fix

Compensation.

the compensation of such additional deputy registers of deeds and of such other clerical assistants in said office at a salary of not more than eighteen hundred dollars ($1800.00) per year for each of said employees, payable monthly, by the board of county commissioners out of the general fund of the county.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1172 **CHAPTER 848**

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF WAGRAM, IN SCOTLAND COUNTY, TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Wagram, jurisdiction of police officers extended.

SECTION 1. The Chief of Police and each and every member of the Police Department of the Town of Wagram, in Scotland County, are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of said Town of Wagram as is now exercised by police officers within the corporate limits of the said town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1180 **CHAPTER 849**

AN ACT TO DEFINE THE ENFORCEMENT PROVISIONS OF DISTRICT HEALTH DEPARTMENT REGULATIONS AS APPLIED TO McDOWELL COUNTY ONLY.

The General Assembly of North Carolina do enact:

G. S. 130-66, as to enforcement of District Health Dept. regulations, McDowell County.

SECTION 1. The provisions of the last sentence of Subsection 4 of Section 130-66 of the General Statutes as amended shall not apply to McDowell County.

Conflicting laws repealed.

SEC. 2. Any provisions of any other laws which may be inconsistent with the terms of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1205 CHAPTER 850

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CHOWAN COUNTY TO TEMPORARILY INVEST THE PROCEEDS OF SALE OF BONDS PENDING CONSTRUCTION OF SCHOOLS FOR WHICH BONDS WERE AUTHORIZED.

The General Assembly of North Carolina do enact:

Chowan County, temporary investment of proceeds of school building bonds authorized.

SECTION 1. That the Board of Commissioners of Chowan County be and hereby are authorized and empowered in their discretion to invest in short term bonds or notes of the United States Government, proceeds of sale of bonds issued by said county for the purpose of building school buildings, the said securities so purchased to have such maturities as may be found to be short enough to make said funds available at the time when needed for the purposes for which the bonds were issued.

Secured deposits in lieu of investment.

In lieu of investing in such Federal bonds or notes, the said board of county commissioners may in their discretion deposit said funds with any bank or trust company on certificate of deposit bearing interest equivalent to the returns which might be obtained therefor by investing in short term Federal bonds or notes, providing such deposits are amply secured by such bank or trust company issuing such certificate or certificates of deposit.

Income from investments.

The income earned on such investments shall be placed to the credit of the capital outlay fund to be used for the payment of interest on such bonds.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1206 CHAPTER 851

AN ACT TO INCREASE THE MEMBERSHIP ON THE BOARD OF COUNTY COMMISSIONERS OF FORSYTH COUNTY FROM THREE TO FIVE, AND TO AMEND G. S. 153-4.

The General Assembly of North Carolina do enact:

Forsyth County, bienniai election of county commissioners.

SECTION 1. There shall be elected in Forsyth County at the general election to be held in the year 1950, and every two years thereafter, by the duly qualified voters thereof, a board of county commissioners composed of five persons who shall serve for a term of two years from the first Monday in December after their election and until their successors are elected and qualified.

SEC. 2. That all laws and clauses of laws, and in particular Section 153-4 of the General Statutes of North Carolina, be amended and repealed in so far as they conflict with the provisions of this Act. G. S. 153-4, amended.

SEC. 3. That this Act shall be in full force and effect from and after its ratification. Effective date.

In the General Assembly read three times and ratified, this the 7th day of April, 1949.

H. B. 1226 CHAPTER 852

AN ACT AUTHORIZING A NEW REGISTRATION OF THE VOTERS OF THE TOWN OF BREVARD.

WHEREAS, the registration book of the Town of Brevard has been lost and cannot be located, and Preamble: Town of Brevard, registration book lost.

WHEREAS, such loss was not discovered until too late to order a new registration of the voters residing in said town under the provisions of G. S. 160-30 and G. S. 160-35, and

WHEREAS, it is necessary that a new registration book be prepared for use in the 1949 elections in said Town of Brevard and a new registration of voters residing therein be had: *Now, therefore,* Necessity for new registration.

The General Assembly of North Carolina do enact:

SECTION 1. That the Registrar of the Town of Brevard shall prepare a new registration book for said town for use in the 1949 elections therein by placing on said registration book the names of all persons who voted in the primary and general elections in said town in the year 1945 who are still residing in said town, together with the names of all persons registering during the registration period in 1949. Town of Brevard, preparation of new registration book authorized.

SEC. 2. That the Board of Aldermen of the Town of Brevard shall publish the names so placed on said registration book in some newspaper published in said town and shall order a new registration of the voters residing in said town whose names do not appear on said new registration book, notwithstanding the provisions of G. S. 160-35. Publication of names placed on book.

Registration of voters whose names do not appear on book.

SEC. 3. That the registration book of the Town of Brevard for the year 1949 shall be closed at sunset, April 21, 1949. Closing of registration book.

SEC. 4. That for the year 1949 the registration book of the Town of Brevard shall be kept open in the polling place on April 22 for the inspection of the electors of said town and any of such electors shall be allowed to object to the name of any person appearing on said book. Book open for inspection.

Challenges.

SEC. 5. Challenges shall be heard and determined as provided in G. S. 160-40, except that for the year 1949 the registrar shall appoint a time and place on or before April 23 to hear and decide the same.

Partial invalidity section.

SEC. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in confliction with this Act are hereby repealed.

SEC. 8. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this **the 7th day of April, 1949.**

S. B. 325 **CHAPTER 853**

AN ACT TO AMEND CHAPTER 456, SESSION LAWS OF 1947 SO AS TO PROVIDE FOR RAISING AND MANAGING OF A PENSION FUND FOR THE EMPLOYEES OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Ch. 456, Session Laws, 1947, authorizing employees pension fund, City of Fayetteville, amended.

SECTION 1. That Chapter 456 of the Session Laws of 1947 being entitled "An Act to Provide for Raising and Managing of a Pension Fund for the Employees of the City of Fayetteville" be and the same is hereby amended by striking out paragraph (b) of Section 12 and inserting in lieu thereof the following:

Retirement upon reaching age of 55.

Prerequisites for retirement.

Amount of pension.

Period of payments.

"(b) Any member of the police department who reaches the age of fifty-five years or more may voluntarily retire from the police department; *provided,* such retiring member has been a member of the police force continuously for a period of twenty years prior to the time he reaches the age of fifty-five years and shall be entitled to receive fifty per centum (50%) of the salary he was receiving at the time his retirement became effective; but no member of the police department upon retirement shall participate in an amount exceeding one-half of an annual maximum salary of three thousand dollars ($3,000.00), and the three per centum (3%) salary deduction and two per centum (2%) paid by the city shall be made monthly on an amount not exceeding the said maximum annual salary. The pensions herein provided for shall run for the remainder of the life of such retiring member. If any regular member of the police force shall die prior to his retirement without having received any benefits from the retirement fund, the treasurer of the said retirement

fund shall pay to the widow or next of kin of such deceased member the amount of assessments deducted from the salary of such deceased employee with interest at three per centum (3%) per annum. If any member of the police department, and while an active member thereof, shall voluntarily withdraw from participating in the retirement fund, the treasurer of the retirement fund shall refund to him the amount, without interest, deducted from his salary during the time he was a participating member of said fund. After such member of the police force has become a member of this fund he shall continue as a member thereof so long as he is employed by the city, and the proper deductions shall be made from his salary."

Payment of deductions to widow or next of kin.

Refund upon voluntary withdrawal.

Period of membership.

SEC. 2. The aforesaid Act is further amended by striking therefrom paragraph (b) of Section 13 and inserting in lieu thereof the following:

"(b) Any employee of the City of Fayetteville who reaches the age of sixty years or more, or who has reached the age of sixty years or more, may voluntarily retire as an employee of said city; *provided,* such retiring employee has been an employee of the city continuously for a period of twenty years or more prior to the time he reaches the age of sixty years or more, and shall be entitled to receive fifty per centum (50%) of the salary he was receiving at the time his retirement became effective, but no employee of the city upon retirement shall participate in an amount exceeding one-half of an annual maximum salary of three thousand dollars ($3,000.00) and the three per centum (3%) salary deduction and two per centum (2%) paid by the city shall be made monthly on an amount not exceeding the said maximum annual salary. The pensions herein provided for shall run for the remainder of the life of such retiring employee. If any regular employee of the city covered by the provisions of this Act shall die prior to his retirement without having received any benefits from the retirement fund, the treasurer of the said retirement fund shall pay to the widow or next of kin of such deceased employee, the amount of assessments deducted from the salary of such deceased employee with interest at three per centum (3%) per annum. If any employee covered by the terms of this Act shall voluntarily withdraw from participating in the retirement fund, the treasurer of the retirement fund shall refund to him the amount, without interest, deducted from his salary during the time he was a participating member of said fund. After such employee has become a member of this fund he shall continue as a member thereof so long as he is employed by the city, and the proper deductions shall be made from his salary."

Voluntary retirement upon reaching age of 60.

Prerequisites for retirement.

Amount of pension.

Period of payments.

Refund of assessments to widow or next of kin.

Refund upon voluntary withdrawal.

Period of membership.

SEC. 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

S. B. 373 CHAPTER 854

AN ACT RELATING TO THE FEES OF JURORS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

G. S. 9-5, amended.

SECTION 1. G. S. 9-5, as it appears in the 1947 Supplement to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows:

Randolph County, fees of jurors.

"In Randolph County, all jurors in the Superior Court and Inferior Courts shall receive such an amount per day as the board of commissioners of said county may fix, not less than five dollars ($5.00) per day nor more than eight dollars ($8.00) per day. In addition to the compensation herein fixed, all jurors in Randolph County shall receive a travel allowance of five cents (5c) per mile while coming to the county seat and returning home, the distance to be computed by the usual route of public travel; *provided*, that this allowance shall be paid on the basis of one round trip per calendar week for each calendar week in which attendance is required."

Travel allowance.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

S. B. 374 CHAPTER 855

AN ACT TO FIX THE SALARY OF THE TREASURER OF DURHAM COUNTY AND TO VALIDATE THE SALARY HERETOFORE PAID TO HIM.

The General Assembly of North Carolina do enact:

Durham County, salary of Treasurer.

SECTION 1. The Treasurer of Durham County shall receive a salary of three thousand five hundred dollars ($3,500.00) annually.

Prior payments of salary validated.

SEC. 2. That the salary heretofore paid him not in excess of the amount herein authorized is hereby validated, ratified, confirmed and approved and declared legal in all respects, notwithstanding any want of statutory authority or any defect or irregularity therein.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 98 **CHAPTER 856**

AN ACT TO PROVIDE FOR A DEFICIENCY JUDGMENT AFTER EXERCISE OF A POWER OF SALE WITH RESPECT TO A CONDITIONAL SALE CONTRACT.

The General Assembly of North Carolina do enact:

Conditional sales contracts; deficiency judgments authorized.

SECTION 1. Whenever a power of sale contained in a conditional sale contract, or granted by statute with respect thereto, is exercised, and the proceeds of such sale are not sufficient to defray the expenses thereof, and also the expenses of retaking, keeping and storing the goods and the balance due upon the purchase price, the seller may recover the deficiency from the buyer, or from anyone who has succeeded to the obligations of the buyer.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 492 CHAPTER 857

AN ACT TO AMEND G. S. 14-117 RELATING TO THE USE OF THE WORDS "ARMY" AND "NAVY" IN THE NAME OF MERCANTILE ESTABLISHMENTS SO AS TO EXEMPT BEAUFORT COUNTY THEREFROM.

The General Assembly of North Carolina do enact:

G. S. 14-117.1, prohibiting use of name "Army" and "Navy" by commercial businesses, amended to exempt Beaufort County.

SECTION 1. G. S. 14-117.1 as it appears in the 1947 Supplement to the General Statutes is amended by adding a new paragraph at the end thereof to read as follows:

This Section shall not apply to Beaufort County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 628 CHAPTER 858

AN ACT TO AMEND CHAPTER 159 ARTICLE 1 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE FOR THE INVESTMENT OF THE PROCEEDS OF THE BONDS SOLD PENDING THEIR USE.

The General Assembly of North Carolina do enact:

G. S. Ch. 159, Local Government Act, amended.

SECTION 1. Chapter 159, Article 1 of the General Statutes of North Carolina is amended by inserting a new Subsection entitled "159-49.2" reading as follows:

G. S. 159-49.2, enacted.

Investment of bond proceeds pending use.

Investment of Bond Proceeds Pending Use. When the proceeds of any bonds heretofore or hereafter sold by any county, city or town, shall not be needed for a period of not less than ninety days to meet contractual or other obligations in connection with the purposes for which such bonds were issued, such county, city or town may, with the prior approval of the Local Government Commission, invest the proceeds of such bonds not so needed in the securities listed in G. S. 159-49.1; *provided*, the maturities of such securities conform to the date or dates of such county, city or town will need the moneys so invested.

Approved securities.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 759 **CHAPTER 859**

AN ACT RELATING TO PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Lenoir County Commissioners, approval of transcript of proceedings before release.

SECTION 1. The Register of Deeds of Lenoir County, in the capacity of Clerk to the Board of County Commissioners of Lenoir County, shall not be required, permitted, or authorized to publish or to permit any person to copy or examine any notes, memoranda, or information taken as Clerk to the Board of County Commissioners of Lenoir County, relating to the proceedings had at any meeting of said board, until after the same shall have been fully transcribed and reduced to writing and read and approved by the Board of County Commissioners of Lenoir County in meeting assembled.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 767 **CHAPTER 860**

AN ACT TO REGULATE THE SALE OF COAL, COKE, AND CHARCOAL IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. Ch. 81, weights and measures, amended.

SECTION 1. Amend Chapter 81, Article 1 of the General Statutes of North Carolina by adding a new Section to be numbered 81-14.8 to read as follows:

G. S. 81-14.8, enacted.

Sale of coal, coke and charcoal by weight.

"SEC. 81-14.8. (a) All coal, coke, or charcoal sold in this State shall be sold by weight only. The standard unit of weight shall be the avoirdupois pound, and a ton shall be two thousand (2000) pounds.

Regulations as to weighing.

"(b) All coal, coke, or charcoal sold or offered for sale in this State, or which is being transported on any public street or highway in North Carolina, shall be weighed on scales suitable for such weighing, which have been tested and sealed by a State inspector of weights and measures. It shall not be unlawful to transport such coal, coke, or charcoal to the nearest such scale for the purpose of having same weighed, but no sale or delivery of same shall take place until the load shall have been weighed.

Testing of scales.

Weight certificate required for each sale.

"(c) Each and every sale or delivery of coal, coke, or charcoal to the consumer shall be accompanied by a weight certificate on which shall be expressed in ink or other indelible substance the name and address of the seller or dealer, name and address of purchaser or receiver, the kind and size of coal being delivered and the gross tare and net weights, the date of weighing, the signature of the weighmaster, a place for signature of receiver, the name of delivery man, and the number or license number of delivery vehicle. The weight certificate shall be made with an original and two (2) carbon copies, one (1) going to the purchaser or receiver, one to be held by the delivery man, and the third (3rd) to be held by the weighmaster: *Provided, however*, that when coal, coke or charcoal is delivered in this State in railway carload lots, the railway bill of lading may be used in lieu of the weight certificate required by this Section."

Contents of certificate.

Copies to purchaser, delivery man and weighmaster.

Bill of sale for carload lots in lieu of certificate.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 789 CHAPTER 861

AN ACT REGULATING THE FEES CHARGED BY THE CLERK OF THE SUPERIOR COURT OF CASWELL COUNTY, IN ABANDONMENT AND NON-SUPPORT CASES.

The General Assembly of North Carolina do enact:

Caswell County, fees of clerk in abandonment and non-support cases.

SECTION 1. When an order is made, upon the trial of any abandonment and non-support cases in the Recorder's Court of Caswell County or the Superior Court of Caswell County, that the allowances in such cases be paid into the office of the Clerk of the Superior Court to be disbursed by him under the order of the court, the person ordered to make such payments shall, at the time he makes each payment, also pay to said clerk an amount equal to five per cent (5%) of such payment, as a commission to be retained by said clerk as compensation for making such collections and disbursements.

Application of Act.

SEC. 2. This Act shall apply to such payments made to said Clerk of the Superior Court of Caswell County from and after the ratification of this Act pursuant to orders or judgments made or rendered subsequent to the ratification of this Act, pertaining to abandonment and non-support cases.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 841 **CHAPTER 862**

AN ACT AMENDING CHAPTER 160, ARTICLE 4, SECTION 54 OF THE GENERAL STATUTES OF NORTH CAROLINA PROVIDING FOR THE RELIEF OF CITIES WITH RESPECT TO STATE-MAINTAINED STREETS AND BRIDGES WITHIN SUCH CITIES.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 160, Article 4, Section 54 of the General Statutes of North Carolina be, and the same is hereby, amended by striking out the period at the end thereof, and inserting in lieu thereof a colon, and adding the following: G. S. 160-54, repair of streets and bridges by municipalities, amended.

"*Provided, however,* so long as the maintenance of any streets and/or bridges within the corporate limits of any town be taken over by the State Highway and Public Works Commission, such town shall not be responsible for the maintenance thereof and shall not be liable for injuries to persons or property resulting from the failure to maintain such streets and bridges." Streets or bridges taken over by Highway Commission.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed, but the same shall not affect pending litigation. Conflicting laws repealed.

SEC. 3. That this Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 912 CHAPTER 863

AN ACT TO EXEMPT SERVICES PERFORMED ON BEHALF OF NATIONALLY RECOGNIZED VETERANS' ORGANIZATIONS FROM THE PROVISIONS OF THE EMPLOYMENT SECURITY ACT.

The General Assembly of North Carolina do enact:

G. S. 96-8, amended as to exemptions from provisions of Employment Security Act.

SECTION 1. Amend paragraph 8 of Subsection (g) of Section 96-8 of the General Statutes by adding a new clause, to be designated as (P), which said clause shall read as follows:

"(P) The term "employment" shall not include services performed in the employ of any nationally recognized veterans' organization chartered by the Congress of the United States.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 958 CHAPTER 864

AN ACT TO AMEND G. S. 8-71 RELATING TO THE MANNER OF TAKING DEPOSITIONS IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

G. S. 8-71, amended.

Depositions of persons in civilian service of U. S. abroad, authorized.

SECTION 1. The fourth paragraph of G. S. 8-71, as it appears in the 1947 Supplement to the General Statutes, is amended by inserting after the comma following the words "United States" and before the word "by" in line 4 of said paragraph, the words "or any person in the service of the United States Government in a civilian capacity while serving outside of continental United States,".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 959 CHAPTER 865

AN ACT TO ABOLISH THE NORTH CAROLINA AERONAUTICS COMMISSION.

Preamble: N. C. Aeronautics Commission created.

WHEREAS, the 1945 General Assembly created a commission known as the North Carolina Aeronautics Commission; and

Purpose of Commission.

WHEREAS, said commission is charged by said Act to promote aviation and is empowered to adopt certain minimum standards of safety for airports; and

Civil Aeronautics Administration carrying on work for which Commission created.

WHEREAS, it is the opinion of the commission that the Federal government, through the Civil Aeronautics Administration is now effectively carrying on all the work that the commission was created to accomplish; and

Assumption of regulatory powers, etc., by Civil Aeronautics Administration.

WHEREAS, said Civil Aeronautics Administration has assumed the responsibility for licensing of pilots, inspection of aircraft, promotion of aviation, and other regulatory powers, and is providing the local units of government in this State with the necessary technical assistance with respect to the planning of airport developments and improvements; and

Federal government dealing directly with local units.

WHEREAS, the Federal government is dealing directly with the local units of government in this State with respect to the Federal Airport Aid Act; and

Opinion that Commission should be abolished.

WHEREAS, it is the opinion of the commission that since the need for which it was originally created no longer exists it should therefore be abolished: *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S. 63-38 through 63-44, N. C. Aeronautics Commission, repealed.

SECTION 1. That Sections 63-38 through Section 63-44 of the General Statutes of North Carolina are hereby repealed.

G. S. 63-46, Federal grants for airports, repealed.

SEC. 2. That Section 63-46 of the General Statutes relating to Federal grants for airports is hereby repealed.

G. S. 63-48, amended to repeal section defining "commission".

SEC. 3. That Subsection (f) of Section 63-48 relating to the definition of the word "commission" is hereby repealed.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 967 **CHAPTER 866**

AN ACT TO CREATE THE POSITION IN LENOIR COUNTY OF COUNTY SUPERINTENDENT OF PUBLIC WELFARE EMERITUS.

The General Assembly of North Carolina do enact:

Office of Lenoir County Superintendent of Public Welfare Emeritus.

SECTION 1. That there is hereby created in Lenoir County the office of Lenoir County Superintendent of Public Welfare Emeritus.

Qualification for office.

SEC. 2. That no person shall hold said office unless such person shall be at least sixty years of age and shall have completed at least twenty-five years of continuous service as the Superintendent of Public Welfare in Lenoir County and shall be holding the office of Lenoir County Superintendent of Public Welfare at the time of election as hereinafter provided.

Duties.

SEC. 3. It shall be the duty of the Lenoir County Superintendent of Public Welfare Emeritus to counsel and advise with the Board of Public Welfare of Lenoir County relative to public welfare problems in the county, at such times and to such extent as he may be called upon to do so by said board, and said officer may, at the request of said board or the Board of County Commissioners of Lenoir County, give to said boards, or either of them, the benefit of any advice or information derived by him from his experience as Superintendent of Public Welfare of Lenoir County.

Nomination and election of Superintendent of Public Welfare Emeritus.

SEC. 4. The Board of County Commissioners of Lenoir County are hereby authorized to nominate and elect any person qualified for said office as provided in Section 2 hereof to the office of Lenoir County Superintendent of Public Welfare Emeritus at such time as in their judgment such action should become necessary or desirable.

Appropriation for salary.

SEC. 5. The Board of County Commissioners of Lenoir County are further hereby authorized and empowered to appropriate from the General Fund of the County of Lenoir and pay to any person elected to said office of Lenoir County Superintendent of Public Welfare Emeritus a monthly salary equivalent to one-half the amount of salary received by the Superintendent of Public Welfare of Lenoir County at the time of his election to the office of Superintendent of Public Welfare of Lenoir County Emeritus.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1070 CHAPTER 867

AN ACT RELATING TO THE TERMS OF SUPERIOR COURT IN THE COUNTY OF PITT, THE FIFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 7-70 of the General Statutes of North Carolina be amended by striking out the following language in lines five and six of the paragraph designated Pitt—"second Monday after the first Monday in March for civil cases only", and inserting in lieu thereof the following "second Monday after the first Monday in March for civil and criminal cases".

G. S. 7-70, amended as to terms of Superior Court, Pitt County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1076 CHAPTER 868

AN ACT TO MAKE THE OFFICE OF SOLICITOR OF THE HARNETT COUNTY RECORDER'S COURT ELECTIVE.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 370 of the Public-Local Laws of 1925, as the same amends Chapter 602 of the Public-Local Laws of 1913, is hereby amended by striking out the comma after the word "court" in line 6 of Section 1, and inserting in lieu thereof a semicolon. Said Section is further amended by striking out the entire remainder of the first paragraph and by substituting in lieu thereof the following words:

Ch. 370, Public-Local Laws, 1925, amended.

"and his successor shall be elected every two years at the regular county and State elections for the election of members of the General Assembly and county officers; and such solicitor shall receive as compensation for such services the sum of not more than twenty-one hundred dollars ($2100.00) per annum to be paid out of the general county funds by the said commissioners."

Harnett County, election of Solicitor, Recorder's Court.

Compensation.

SEC. 2. The person holding the office of Solicitor of Harnett County Recorder's Court at the time of the ratification of this Act shall continue to hold office until the next regular election of county officers for Harnett County.

Term of office of incumbent Solicitor.

SEC. 3. Section 1 of Chapter 616 of the Public-Local Laws of 1927 is hereby repealed.

Ch. 616, Public-Local Laws, 1927, amended as to salary of Solicitor.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from the date of the next general election.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1078 CHAPTER 869

AN ACT TO REQUIRE JUSTICES OF THE PEACE IN GASTON COUNTY TO FURNISH A BOND PRIOR TO OR AT THE TIME OF THEIR QUALIFICATION AS SUCH JUSTICES OF THE PEACE.

The General Assembly of North Carolina do enact:

Gaston County, bond required of Justices of Peace.

SECTION 1. Every person elected by the people, or appointed by the Governor, or appointed by the Clerk of the Superior Court, or elected or designated by the General Assembly of North Carolina to the office of Justice of the Peace in Gaston County shall, prior to assuming the duties of his office, furnish a bond payable to the County of Gaston in such amount as the board of commissioners of said county may determine not to exceed five thousand dollars ($5,000.00), conditioned upon the faithful performance of his duties and upon a correct and proper accounting for all funds paid into his hands by virtue of and under color of his office. Said bond shall be filed in the office of the Clerk of the Superior Court by the board of county commissioners upon receipt of the same.

Condition of bond

Filed with Clerk Superior Court.

Forfeiture of office upon failure to file bond.

SEC. 2. Any person elected, appointed, or designated to serve as a Justice of the Peace in Gaston County in the manner as set forth in Section 1 herein who fails to furnish and file a bond with the Board of Commissioners of Gaston County prior to assuming the duties of his office and within six months of his election, appointment, or designation as such justice of the peace shall thereby forfeit and lose his office.

Performance of functions of office without bond made misdemeanor.

SEC. 3. Any person who fails and refuses to furnish the bond herein provided for prior to assuming and carrying on the duties of his office as such justice of the peace, or who attempts to carry on or carries on any of the functions and duties of a justice of the peace shall be guilty of a misdemeanor.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall become effective January 1, 1950.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1091 **CHAPTER 870**

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF HICKORY TO HOLD AN ELECTION FOR THE PURPOSE OF DETERMINING WHETHER THE LENGTH OF THE TERMS OF OFFICE OF THE CITY ALDERMEN SHALL BE CHANGED.

The General Assembly of North Carolina do enact:

City of Hickory, election on question of extension of term of office of aldermen.

SECTION 1. The City Council of the City of Hickory is hereby authorized, in its discretion, to call and hold an election at any time prior to the thirty-first day of December, 1949, for the purpose of submitting to the qualified voters of the City of Hickory at large the question of whether the length of the terms of office of the Aldermen of the City of Hickory shall be increased to four years, except for interim terms of three years extending from 1950 to 1953 for aldermen from the third, fourth, and fifth wards.

Form of ballots.

At said election, these voters who wish to vote that such increase in the length of terms of office of the Aldermen of the City of Hickory shall become the law applicable to the City of Hickory may vote a ballot upon which there shall be written or printed the words: "For four-year terms for city aldermen except for interim terms of three years extending from 1950 to 1953 for aldermen from the third, fourth, and fifth wards." Those voters who wish to vote in favor of retaining the present two-year terms of office of Aldermen of the City of Hickory may vote a ballot upon which there shall be written or printed the words: "Against four-year terms for city aldermen, except for interim terms of three years of three years extending from 1950 to 1953 for aldermen from the third, fourth, and fifth wards."

Conduct of election.

The said election shall be conducted under the same rules and regulations as other elections are conducted in the City of Hickory.

Extension of term of office in event of majority vote therefor.

If at said election a majority of the voters who vote in said election cast ballots for increasing the length of the terms of office of aldermen for the city as hereinabove stated, then at the regular election to be held in 1950 the aldermen to be elected from the third, fourth, and fifth wards to succeed the aldermen whose terms of office expire in 1950 shall be elected for terms of three years and until their successors are elected and qualified, and their successors in office from said third, fourth, and fifth wards shall be elected quadrennially thereafter for terms of four years and until their successors are elected and qualified. That at the regular election in 1951, aldermen to be elected from the first, second, and sixth wards to succeed the aldermen whose terms expire in 1951 shall be elected for terms of four years, and until their successors are elected and qualified, and their

successors in office for said first, second, and sixth wards shall be elected quadrennially thereafter for terms of four years and until their successors are elected and qualified.

Term of office unchanged in event of majority vote against extension.

If at said election a majority of the votes cast are against increasing the length of the terms of office of Aldermen for the City of Hickory or if the city council shall not see fit to hold the said election; then the length of the terms of office of Aldermen for the City of Hickory shall not be changed by this Act and shall be continued as heretofore.

Construction of Act.

Nothing in this Act shall be construed as changing any of the methods or manner of conducting elections of Aldermen for the City of Hickory except as to the length of their terms of office.

Conflicting laws repealed.

SEC. 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1101 CHAPTER 871

AN ACT TO AMEND ARTICLE 24, CHAPTER 7 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE ESTABLISHMENT OF A RECORDER'S COURT AS IT APPLIES TO SUCH COURT IN THE CITY OF BELMONT.

The General Assembly of North Carolina do enact:

G. S. 7-186, amended.

SECTION 1. That Section 7-186 of the General Statutes be amended by adding at the end thereof the following:

City of Belmont, appointment of Recorder upon establishment of Recorder's Court.

"That if and when a Recorder's Court for the City of Belmont is established under the provisions of this Article, some suitable person who shall be a bona fide resident of the area and territory embraced in the voting precincts known as Belmont Precinct Number 1, Belmont Precinct Number 2 and Belmont Precinct Number 3, shall be elected by the Board of Commissioners of the City of Belmont as recorder of said court, to serve for a

Term of office.

term of two (2) years and until his successor is appointed and qualified, and the board of commissioners shall have the full power and authority to select and elect the said recorder, and each successive recorder biennially thereafter. The said recorder shall be elected by the Board of Commissioners of the City of Belmont within thirty (30) days from the creation and establishment of said court. If a vacancy occurs in the office of the recorder at any time, the same shall be filled by the election of a successor for the unexpired term by the Governing Body of the

Vacancy appointments.

City of Belmont, at a regular or special meeting called for that purpose; *provided*, that before entering upon the discharge of their duties hereunder, the recorder, vice recorder and the prosecuting attorney, who may be elected under the provisions of this Article, shall take and subscribe before some person authorized to administer oaths, the oath required of Judges and Solicitors of the Superior Court.

Oath of office.

SEC. 2. That Section 7-190 of the General Statutes be amended as follows:

G. S. 7-190, amended as to criminal jurisdiction of court.

"Subsection 1 is amended by striking out the words 'and concurrent' in line 1 and by adding at the end of the Subsection the following: 'And exclusive original jurisdiction over all violations of ordinances of the City of Belmont committed within the limits of said city.'

"Subsection 2 shall not apply to any recorder's court established in the City of Belmont.

"Subsection 3 is amended by striking out all after the word 'all' in line 1 of said Subsection, and by adding in lieu thereof, the following: 'criminal offenses below the grade of felony committed within the city limits of the City of Belmont and in the territory embraced in the voting precincts known as Belmont Precinct Number 1, Belmont Precinct Number 2 and Belmont Precinct Number 3.'

"Subsection 4 is amended by striking out the words 'above mentioned' in line four (4) of said Subsection, and inserting in lieu thereof the words 'embraced in the city limits of the City of Belmont, and in the voting precincts known as Belmont Precinct Number 1, Belmont Precinct Number 2 and Belmont Precinct Number 3,' and by adding at the end of said Subsection the following: 'and concurrent jurisdiction with the courts of justices of the peace as committing magistrates over all felonies committed in the same area or territory.'"

SEC. 3. That Section 7-191 of the General Statutes in so far as it relates to any recorder's court established in the City of Belmont is amended by striking out the words "or outside thereof within five miles of the corporate limits" in lines 7 and 8 of said Subsection and by inserting in lieu thereof the words, "or in the territory embraced in the voting precincts known as Belmont Precinct Number 1, Belmont Precinct Number 2 and Belmont Precinct Number 3."

G. S. 7-191, amended as to jurisdiction to recover penalties.

SEC. 4. That Section 7-195 of the General Statutes in so far as it relates to any recorder's court established in the City of Belmont, is amended by adding at the end thereof the following: "*Provided*, that no trial by jury may be had in such recorder's court, but on request for a trial by jury, such case will automatically be transferred to the Superior Court for Gaston County."

G. S. 7-195, amended.

Transfer of cases to Superior Court upon demand for jury trial.

G. S. 7-197, amended.

SEC. 5. That Section 7-197 of the General Statutes is amended by adding at the end thereof the following: "That the recorder's court shall have a seal bearing the inscription 'Recorder's Court of Belmont, State of North Carolina,' and said seal shall be affixed to all writs, process and precepts of said court required by law to be attested by seal."

Seal of court.

G. S. 7-198, amended.

SEC. 6. That Section 7-198 of the General Statutes in so far as it relates to any recorder's court established in the City of Belmont is amended by adding at the end thereof the following: "That the recorder may in his name issue writs, process and precepts of the recorder's court to the Chief of Police or any other policeman of the City of Belmont, or the chief of police or any other lawful officer of any other city or town in this State, or to the sheriff or constable or any other lawful officer of any other town or county in this State; and such writs, process or precepts without seal shall run anywhere in Gaston County, and, when attested by the seal of said court, anywhere in the State of North Carolina, and shall be executed by any officer above named to whom it may be directed."

Issuance and service of process.

G. S. 7-199, vice-recorder; election and duties, amended.

SEC. 7. That Section 7-199 of the General Statutes in so far as it relates to any recorder's court established in the City of Belmont be amended by inserting the word "may" in lieu of the word "shall" in line 2 of said Section, and by adding at the end of said Section the following: "If a vice recorder is named, he shall be elected in the same manner as provided for election of the recorder, and vacancies shall be filled in the same manner as provided in the case of recorder; *provided*, that should both the offices of recorder and vice recorder become vacant at the same time, the Mayor of the City of Belmont shall act as recorder until a recorder shall have been duly elected and qualified as herein provided."

Vacancies.

G. S. 7-200, amended.

SEC. 8. That Section 7-200 of the General Statutes shall be amended by adding at the end thereof, the following: "That the Board of Commissioners of the City of Belmont is hereby authorized to elect a clerk of said court at such salary as the board thinks wise and proper, in the same manner as provided for recorder and vice recorder, and to fill any vacancies therein in the same manner as provided in the case of recorder and vice recorder. The recorder shall require the Chief of Police, the Clerk of the Court, or such other officers of the City of Belmont as may be designated for the performance of such by order of the court, or by resolution of the Board of Commissioners of the City of Belmont, to collect and account for all fines imposed and all costs taxed in the recorder's court; and such officers shall discharge the aforesaid duty under the supervision and control of said court."

Election of clerk of court; duties.

G. S. 7-201, amended.

SEC. 9. That Section 7-201 of the General Statutes be amended by adding at the end thereof the following: "That the recorder shall keep or cause to be kept in books furnished for the pur-

pose by the City of Belmont a true and perfect record of all proceedings of the recorder's court, the name, place of residence, and post office address, if known, of any person brought before said court, the warrant issued, the nature of the offense charged, the date of hearing or trial, the punishment imposed or the disposition of the case, with the amount of costs taken therein; he shall regularly file, or cause to be filed, the papers in every case docketed in said court; he shall from time to time submit such report and furnish such statements as to matters appertaining to his said office as the Board of Commissioners of the City of Belmont may call for; and he shall surrender to his successor in office, when duly elected and qualified, the common seal of said court and all records thereof.

Records of court.

Reports.

SEC. 10. That Section 202 of the General Statutes shall not apply to any recorder's court established in the City of Belmont.

G. S. 7-202, amended to exempt City of Belmont.

SEC. 11. That Section 7-203 of the General Statutes be amended by adding at the end thereof, the following: "That if and when a recorder's court is established in the City of Belmont under the provisions of this Article, the Board of Commissioners of the City of Belmont shall elect some suitable person as prosecuting attorney at the same time, in the same manner, and for the same term as is provided herein for recorder and vice recorder, and vacancies shall be filled in the same manner as is provided for recorder and vice recorder."

G. S. 7-203, amended.

Election of prosecuting attorney.

SEC. 12. That Section 7-204 of General Statutes shall not apply to any recorder's court established in the City of Belmont.

G. S. 7-204, amended to exempt City of Belmont.

SEC. 13. That Section 7-206 of the General Statutes in so far as it relates to any recorder's court established in the City of Belmont is amended by adding at the end thereof the following: "That cost in each case shall be regulated by the general laws of the State of North Carolina. However, all costs for the issuing of any warrant, subpoena, or other process by any justice of the peace returnable to said recorder's court, and for the service of any process of any kind returnable to said court, shall belong to and be the property of said justice of the peace issuing the same and to the officer serving such papers, as the case may be, and such cost shall be paid to them respectively by the proper authority when collected; *provided, however,* that any costs that shall be payable hereunder to any salaried officer of the City of Belmont shall be paid to the Treasurer of said City of Belmont for the use of said city.

G. S. 7-206, officers' fees; fines and penalties paid, amended.

SEC. 14. That Section 7-207 of the General Statutes shall not apply to any recorder's court established in the City of Belmont.

G. S. 7-207, amended.

SEC. 15. That Section 7-211 of the General Statutes shall not apply to any recorder's court established in the City of Belmont.

G. S. 7-211, amended.

SEC. 16. The provisions of this Act shall apply only to the City of Belmont in Gaston County.

Application of Act.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 18. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1103. CHAPTER 872

AN ACT TO FIX THE COMPENSATION OF THE MAYOR AND THE COMMISSIONERS AND THE LAW ENFORCEMENT OFFICERS OF THE TOWN OF CLAYTON.

The General Assembly of North Carolina do enact:

Town of Clayton, salary of Mayor.

SECTION 1. Effective July 1st, 1949, the Governing Body of the Town of Clayton is authorized to pay the Mayor of the Town of Clayton in lieu of all other fees or compensation for his services as mayor, or as judge of the mayor's court, a salary in an amount to be fixed annually at the time of the adoption of the budget not to exceed the sum of sixty dollars ($60.00) per month, to be paid out of the general fund. That Mayor of the Town of Clayton shall pay into the general fund all fees, costs and charges collectible by him as mayor or, as judge of the mayor's court.

Fees, etc., collected by mayor paid into general fund.

Compensation of Town Commissioners.

SEC. 2. Effective July 1st, 1949, the Governing Body of the Town of Clayton is authorized to pay to the Town Commissioners of Clayton in lieu of all other compensation for their services as such commissioners, a salary to be fixed annually at the time of the adoption of the budget not to exceed the sum of seventeen and 50/100 dollars ($17.50) per month each, to be paid out of the general fund. All fees, costs or charges collectible by such commissioners in their official capacity shall be paid into the general fund.

Fees payable into general fund.

Salary of law enforcement officers.

SEC. 3. Effective July 1st, 1949, all police and law enforcement officers of the Town of Clayton shall receive a salary in such amount as the Governing Body of the Town of Clayton may, in its discretion, determine, and all fees, costs and charges of every nature whatsoever collectible by such officers shall be paid into the general fund.

Fees payable into general fund.

Meetings of governing board of town.

SEC. 4. It shall be the duty of the governing board of commissioners and mayor to hold two regular meetings each month, one on the first Monday and one on the third Monday of each month.

Terms of office.

SEC. 5. The term of office of the mayor and five commissioners elected on the Tuesday after the first Monday in May 1949, and each biennium thereafter, shall begin on Monday following their election.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1104 CHAPTER 873

AN ACT TO EXTEND TO JURISDICTION OF THE MUNICIPAL COURT OF THE TOWN OF CLAYTON, IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to its present jurisdiction, the territorial jurisdiction of the Municipal Court of the Town of Clayton, in Johnston County be, and the same hereby is extended to include all the territory within a radius of one mile of the corporate limits of said town. Town of Clayton, jurisdiction of Municipal Court extended.

SEC. 2. That the police power of the Town of Clayton, in Johnston County, be, and it is hereby, extended to embrace all the territory within a radius of one mile of the corporate limits of said town, and the police officers of said town are authorized and empowered to make arrests, serve warrants, and other process within said territory. Police power extended.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1105 CHAPTER 874

AN ACT RELATING TO THE COSTS IN THE CRIMINAL COURT FOR THE COUNTY OF SCOTLAND.

The General Assembly of North Carolina do enact:

SECTION 1. The following costs and fees shall be charged in the trial of each criminal case tried in the criminal court for the County of Scotland: Scotland County, costs and fees in criminal court.

Services of Clerk Superior Court.

For all services performed by the Clerk of the Superior Court of Scotland County in each criminal case tried in the criminal court for the County of Scotland, the sum of two dollars and fifty cents ($2.50);

Trial justice.

For all services performed by the trial justice of said court in each case, the sum of two dollars and fifty cents ($2.50);

Prosecuting attorney.

For all services performed by the prosecuting attorney of said court in each case, the sum of two dollars and fifty cents ($2.50).

Costs and fees in addition to State tax.

SEC. 2. Said costs and fees shall be in addition to the State tax levied by statute.

Fees placed in general fund.

SEC. 3. Said fees shall be placed in the General Fund of the Treasury of Scotland County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1117 CHAPTER 875

AN ACT TO AUTHORIZE THE DELINQUENT TAX COLLECTOR AND TAX COLLECTOR OF THE CITY OF DURHAM AND OF THE COUNTY OF DURHAM TO CONDUCT SALES OF PERSONAL PROPERTY UNDER TAX LEVIES THEREON AT THE PLACE WHERE THE LEVY IS MADE OR AT SUCH OTHER PLACE AS MAY BE SELECTED AND ADVERTISED.

The General Assembly of North Carolina do enact:

Sales of personal property under levy for collection of taxes, City and County of Durham.

SECTION 1. The Delinquent Tax Collector and Tax Collector of the City of Durham and of the County of Durham are hereby authorized and empowered to conduct sales of personal property upon which they or either of them shall make a levy for the collection of taxes due said City of Durham or said County of Durham on the premises upon which the said personal property

Place of sale.

is located at the time the levy is made or at such other place to which the said property may have been removed for storage, or at the Courthouse door of Durham County, as may be determined in the discretion of the said delinquent tax collector or

Advertisement of sale.

tax collector: *Provided, however,* that before any such sale is made the same shall be advertised for at least ten days by posting a notice of such sale at the place of sale, and by posting a notice of such sale at the Courthouse door of Durham County and at three other public places in Durham County at least ten

days prior to such sale, and such advertisement shall specifically state the address at which the said sale will be conducted.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1118 CHAPTER 876

AN ACT TO AMEND CHAPTER 1040, SESSION LAWS, 1945, RELATING TO THE ESTABLISHMENT OF A COUNTY PLANNING BOARD, BY STRIKING THE WORDS "DURHAM COUNTY" FROM SAID ACT.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 1040, Session Laws, 1945, relating to the establishment of a county planning board, is hereby amended by striking out the words "Durham County" appearing in Section 3 of said Act.

Ch. 1040, Session Laws, 1945, establishment of county planning boards, amended to apply to Durham County.

SEC. 2. All laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1122 CHAPTER 877

AN ACT, RELATING TO CHAPTER 506 OF THE SESSION LAWS OF 1945, AND CHAPTER 933 OF THE SESSION LAWS OF 1947, AND PROVIDING FOR THE APPOINTMENT OF THE BOARD OF TRUSTEES OF PITT COUNTY HOSPITAL.

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons be and they are hereby appointed members of the Board of Trustees of Pitt County Hospital and that Arthur Williams, Mack G. Smith, and Jesse R. Moye, II shall serve for a term expiring on March 1, 1950 and that Woodrow Wooten, Elmo Dupree, and L. C. Venters shall serve for a term expiring on March 1, 1951 and that C. M. Smith, T. J. Williams, and Wayland L. Hunsucker shall serve

Pitt County Hospital, appointment of members of Board of Trustees; terms.

for a term expiring on March 1, 1952, and that C. S. Carr, Mrs. J. Paul Davenport, and Jerome Perkins shall serve for a term expiring on March 1, 1953, and that W. A. Allen, S. C. Ives and E. B. Aycock shall serve for a term expiring on March 1, 1954.

Successor appointments.

SEC. 2. Upon the expiration of the term of any trustee named as above, the Board of Commissioners of Pitt County shall appoint successors to serve for a term of five (5) years. Each trustee shall serve until his or her successor is appointed and qualified. Each trustee may succeed himself or herself but may not serve for more than three consecutive full terms of five (5) years each exclusive of the terms of less than five (5) years as provided in this Act.

Vacancy appointments.

SEC. 3. Any vacancy occurring in the Board of Trustees of the Pitt County Hospital by reason of death, resignation or other disqualification shall be filled by the Board of Commissioners of Pitt County for the unexpired term.

Act supplemental to existing laws.

SEC. 4. This Act is in modification of and in addition to the provisions of the County Hospital Act, Chapter 506 of the Session Laws of 1945, and the Hospital Authorities Law, Chapter 933 of the Session Laws of 1947, and it is expressly provided that the trustees herein appointed, together with their successors to the same shall be from time to time appointed by the Board of Commissioners of Pitt County are vested and shall be vested with all of the powers, duties, rights and authority granted by the general laws above cited, together with any amendments hereinafter enacted.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1132 CHAPTER 878

AN ACT TO AMEND G. S. 7-70 RELATING TO THE TERMS OF THE SUPERIOR COURT IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That portion of G. S. 7-70 relating to the terms of the Superior Court in Pasquotank County is hereby rewritten to read as follows:

"Pasquotank—Eighth Monday before the first Monday in March for the trial of civil cases only; third Monday before the first Monday in March to continue for three weeks, the first week for the trial of civil cases only and the second and third weeks for the trial of criminal cases only; second Monday after the first Monday in March for the trial of civil cases only; ninth Monday after the first Monday in March to continue for two weeks for the trial of civil cases only; thirteenth Monday after the first Monday in March for the trial of criminal cases only; fourteenth Monday after the first Monday in March to continue for two weeks for the trial of civil cases only; second Monday after the first Monday in September for the trial of civil cases only; fifth Monday after the first Monday in September to continue for two weeks for the trial of civil cases only; ninth Monday after the first Monday in September to continue for two weeks, the first week for the trial of civil cases only and the second week for the trial of criminal cases only."

Pasquotank County, terms of Superior Court.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

H. B. 1189 CHAPTER 879

AN ACT TO PROVIDE FOR THE ELECTION OF MUNICIPAL OFFICIALS OF THE TOWN OF TRENTON IN JONES COUNTY IN CONVENTION, AND TO VALIDATE THE TERMS AND ACTS OF THE PRESENT INCUMBENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The qualified voters of the Town of Trenton in Jones County shall, on the first Tuesday in May in the year 1949 and on the first Tuesday in May biennially thereafter, in convention assembled, nominate and elect a mayor and three commissioners who shall each serve for a term of two years and until their successors are duly elected. The mayor and commissioners when so elected shall, upon taking their respective oaths of office, have and exercise all of the powers and authority conferred by the general law upon mayors and the governing boards of cities and towns, except to the extent modified or otherwise provided by the Charter of the Town of Trenton or special acts applicable to said town.

Town of Trenton, nomination and election of mayor and commissioners in convention.

Powers and duties of elected officials.

Notice of convention.

SEC. 2. The town clerk shall post at the courthouse door in Trenton and at least three other public places in said town, for at least twenty days prior to such convention, a notice giving the time, place and purpose of such convention, and shall keep a book in which all persons who are qualified to vote in town elections shall register, and any person qualified to register may do so at any time prior to the nomination of officers as provided in Section 1. The town clerk shall call the convention to order and shall preside until a chairman of the convention shall be nominated and elected, and the town clerk shall thereafter serve as clerk of the convention and the chairman of the convention shall preside over the proceedings to nominate and elect officers of the town. The chairman shall announce the results of the election, which shall be entered by the clerk on the minutes of the town.

Registration of voters.

Convention procedure.

Terms of office and official acts of incumbent officials validated.

SEC. 3. The terms of office and all official acts and deeds of present incumbents C. C. Jones, commissioner and mayor pro tempore, E. S. Smith, commissioner, and F. R. Pollock, commissioner, and the term of office and all official acts and deeds of G. N. Noble as mayor done and performed prior to his resignation in order to accept the office of Representative to the General Assembly, are hereby in all respects validated, ratified and confirmed.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1949.

S. B. 223 **CHAPTER 880**

AN ACT AMENDING CHAPTER 130 OF THE GENERAL STATUTES RELATING TO THE ISSUANCE OF BONDS BY SANITARY DISTRICTS AND CHANGING THE METHOD OF DETERMINING RESULTS OF ELECTIONS IN SANITARY DISTRICTS SO AS TO CONFORM WITH THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. Ch. 130, Art. 6, relating to Sanitary Districts, amended.

SECTION 1. That Article 6 of Chapter 130 of the General Statutes shall be and the same is hereby amended as follows:

G. S. 130-39, corporate powers of sanitary districts, amended.

(1) By changing Subsection 10 of Section 130-39 to read as follows: "10. After adoption of a plan as provided in Section 130-44, the sanitary district board may, in its discretion, alter or modify such plan if, in the opinion of the State Board of Health,

such alteration or modification does not constitute a material deviation from the objective of such plan. Such alteration or modification may provide among other things for the construction of a water line for the supply of any person, firm, corporation, city, town, village or political subdivision of the State either within and/or without the corporate limits of the district instead of a sewage disposal line and other improvements, where such alteration or modification would permit the disposal of sewage at a point nearer the district either within and/or without the corporate limits, thereby contaminating the prevailing water supply of the person, firm, corporation, city, town, village or political subdivision of the State to whom the water is to be supplied and would effect a saving to the district, and the sanitary district board may appropriate or reappropriate money of the district for carrying out such plan as altered or modified."

G. S. 130-44, procedure for incorporating sanitary districts, amended.

(2) By changing Section 130-44 to read as follows: "130-44. Consideration of Reports and Adoption of a Plan. The report or reports filed by the engineers pursuant to Section 130-43 shall be given careful consideration by the sanitary district board, and said board shall adopt a plan, but before adopting such plan said board may, in its discretion, hold a public hearing, giving due notice of the time and place thereof, for the purpose of considering objections to such plan. The plan adopted as aforesaid shall be submitted by the sanitary district board to the State Board of Health and shall not become effective unless and until it is approved by the State Board of Health.

"The provisions of this Section and of Section 130-43 shall apply when it shall have been determined by the sanitary district board that consummation of the plan is predicated upon the issuance of bonds of the district, except that they shall not apply in a proposed purchase of firefighting equipment and apparatus. Failure to observe or comply with said provisions shall not, however, affect the validity of any bonds of a sanitary district which may be hereafter issued pursuant to this Article."

G. S. 130-45, amended. Resolution authorizing bond issue and purposes for which bonds may be issued.

(3) By changing Section 130-45 to read as follows: "130-45. Resolution Authorizing Bond Issue and Purposes for Which Bonds May Be Issued. Either before or after the adoption of the plan as aforesaid, the sanitary district board may adopt a resolution authorizing the issuance of bonds of the sanitary district for one of the following purposes, which purpose may include land, rights in land or other rights necessary for the accomplishment thereof, viz.:

(a) Acquisition, construction, reconstruction, enlargement of, additions or extensions to a water system or systems, including interest on the bonds during construction if deemed advisable by the sanitary district board, water purification or treatment plant or plants and/or acquisition, construction, reconstruction, enlargement of or additions or extensions to a sanitary sewer system or systems and/or a sewage treatment plant or plants.

(b) Construction, reconstruction or acquisition of an incinerator or incinerators or other facilities for the disposal of garbage, waste and other refuse.

(c) Purchase of fire-fighting equipment and apparatus.

Contents of resolution.

Such resolution shall state,

1. In brief and general terms, the purpose for which the bonds are to be issued.

2. The maximum aggregate principal amount of the bonds.

3. That a tax sufficient to pay the principal and interest of the bonds when due shall be annually levied and collected on all taxable property within the sanitary district.

4. That the resolution shall take effect when and if it is approved by the voters of the sanitary district at an election.

Publication of resolution.

Such resolution shall be published once a week for three successive weeks: *Provided, however,* the first of such publications shall be not later than the first publication of the notice of election required in Section 130-46. A statement in substantially the following form (the blanks being first properly filled in), with the printed signature of the secretary of the sanitary district board appended thereto, shall be published with the resolution:

Statement for publication with resolution.

The foregoing resolution was adopted by the sanitary district board of _____ Sanitary District on the_____ day of _____ 19_____, and was first published on the_____ day of _____ 19_____. Any action or proceeding questioning the validity of said resolution must be commenced within thirty days after its first publication.

_____

Secretary, _____Sanitary District Board."

G. S. 130-45.1, enacted. Limitation of action to set aside bond resolution.

(4) By inserting new Sections after Sections 130-45 to read as follows: "130-45.1. Limitation of Action To Set Aside A Bond Resolution. Any action or proceeding in any court to set aside a bond resolution adopted pursuant to this Article, or to obtain any other relief upon the ground that such resolution is invalid, must be commenced within thirty days after the first publication thereof as provided in Section 130-45. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the resolution shall be asserted, nor shall the validity of such resolution be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period",

G. S. 130-45.2, enacted.

"130-45.2. Publication of Resolution, Notice and Statement. A resolution or notice or statement required by this Article to be published shall be published in a newspaper published in the

county in which the district lies or if the district lies in two or more counties, in a newspaper published in each such county or if there is no newspaper published in a county in which the whole or a part of the district lies, then and in lieu of a newspaper published in such county in a newspaper which, in the opinion of the sanitary district board, has general circulation within the district."

Publication of resolution, notice and statement.

(5) Amend Section 130-46 as follows: (a) by striking out the words "the resolution" in line 2 and by inserting in lieu thereof the words "a bond resolution", (b) by striking out the words "to provide funds for doing the work as set forth in the resolution adopted by the sanitary board" in lines 9, 10 and 11 and by inserting in lieu thereof the words "as set forth in such bond resolution", (c) by striking out the words "If, at such election the majority of the registered voters vote in favor of incurring the indebtedness as proposed, the district board shall issue and sell bonds for the amount set forth in the resolution" in lines 11, 12, 13, 14 and 15 and by inserting in lieu thereof the words "If, at such election a majority of the registered voters who shall vote thereon at such election shall vote in favor of the proposition submitted, the bonds set forth in the bond resolution may be advertised, sold and issued in the manner provided by law", (d) by striking out the first sentence of the last paragraph and by inserting in lieu thereof "A ballot shall be furnished to each qualified voter in said election, which ballot may contain the words 'For approval of the bond resolution adopted by the sanitary district board of _____ Sanitary District on the _____ day of _____ 19____, authorizing the issuance of not exceeding $_____ of bonds of said sanitary district (briefly stating the purpose of such bonds), and the levy of a tax for the payment thereof,' and the words 'Against approval of the bond resolution adopted by the sanitary district board of _____ Sanitary District on the _____ day of _____ 19____, authorizing the issuance of not exceeding $_____ of bonds of said sanitary district (briefly stating the purpose of such bonds), and the levy of a tax for the payment thereof', with squares opposite said affirmative and negative forms of the proposition submitted to the voters, in one of which squares the voter may make a cross (X) mark, but this form of ballot is not prescribed. Two or more bond resolutions adopted by the sanitary district board, each for a separate purpose as provided in Section 130-45, may be submitted at the same election and each may be stated on the same ballot as a separate proposition", and (e) by adding a paragraph at the end to read "A statement of results of an election on the proposition of issuance of bonds showing the date of such election, the proposition submitted, the number of voters who voted for the proposition and declaring the result of the election shall be prepared and signed by a majority of the members of the sanitary district board and deposited with the

G. S. 130-46, elections on bond issue and tax levy, amended.

Results determined by majority of those voting.

Form of ballot.

Submission of two or more bond resolutions at same election.

Statement of results of election.

Filing of statement.

Clerk of the Superior Court of the county in which the district lies, or, if parts of the district lie in two or more counties, with the Clerk of the Superior Court of each such county. Such statement shall be published once. No right of action or defense founded upon the invalidity of such election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement", and (f) by striking out the second sentence of the third paragraph of said Section which reads "The notice of the election shall be given by publication at least three times in some newspaper published or circulated in the district" and inserting in lieu thereof the sentence "The notice of the election shall be given by publication once a week for three successive weeks".

Time limitation on actions to contest validity.

Publication of notice of election.

G. S. 130-47, relating to bonds of sanitary districts, amended.

(6) Amend Section 130-47 by striking out the last two sentences and by inserting in lieu thereof the following:

"The officer or officers having charge or custody of funds of the district shall require said bank to furnish security for the protection of deposits of the district as provided in Section 159-28" and by adding the following paragraph at the end of said Section:

Maturity dates.

"Bonds issued for any purpose pursuant to this Article shall mature within the period of years as hereinafter provided, each such period being computed from the date of the election upon the issuance thereof held under the provisions of Section 130-46. Such periods shall be for the purposes stated by clauses in Section 130-45 as follows: clause (a), forty years; clause (b), twenty years; clause (c), ten years. Such bonds shall mature in annual installments or series, the first of which shall be made payable not more than five years after the date of the first issued bonds of such issue, and the last within the aforesaid period. No such installment or series shall be more than two and one-half times as great in amount as the smallest prior installment or series of the same bond issue. If all of the bonds of any issue are not issued at the same time, the bonds at any one time outstanding shall mature as aforesaid. Such bonds may be issued either all at one time or from time to time in blocks, and different provisions may be made for different blocks. Bonds issued pursuant to this Article shall be subject to the provisions of the Local Government Act. The cost of preparing, issuing, and marketing bonds shall be deemed to be one of the purposes for which the bonds are issued.

Issuance of bonds.

Application of Local Government Act.

G. S. 130-48, amended.

(7) Amend Section 130-48 by striking out the last sentence and by inserting in lieu thereof the following:

Surplus proceeds applied to bond retirement.

"In the event the proceeds of the sale of the bonds shall be in excess of the amount necessary for the purpose for which they were issued, such excess shall be applied to the payment of principal and interest of said bonds."

(8) Amend Section 130-49 by striking out the last sentence of the second paragraph and by inserting in lieu thereof "The officer or officers having charge or custody of the funds of the district shall require said bank to furnish security for protection of such deposits as provided in Section 159-28."

G. S. 130-49, amended.

Security for protection of deposits.

SEC. 2. Article 7 of Chapter 130 of the General Statutes shall be and the same is hereby amended as follows:

G. S. Ch. 130, Art. 7, special-tax Sanitary Districts, amended.

(1) Amend Section 130-58 by striking out in next to the last sentence of said Section the words "at the election is in favor" and by inserting in lieu thereof the words "who shall vote thereon at the election shall vote in favor".

G. S. 130-58, amended.

Election on tax levy governed by majority of those voting.

(2) Amend Section 130-59 by striking out in the tenth and eleventh lines "case a majority of the qualified voters in such new territory shall vote at such election" and by inserting in lieu thereof the words "case a majority of the qualified voters who shall vote thereon at such election in such new territory shall vote", and by inserting in the seventeenth line of said Section the words "who shall vote thereon" after the word "voters" and before the words "shall vote against said tax".

G. S. 130-59, amended.

Elections on enlarging district governed by majority of those voting.

(3) Amend Section 130-60 by inserting in the second sentence of said Section the words "who shall vote thereon" after the words "of the qualified voters" and before the words "in said district".

G. S. 130-60, relating to elections to discontinue districts, amended.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

S. B. 258

CHAPTER 881

AN ACT TO AMEND CHAPTER 612 OF THE PUBLIC LOCAL LAWS OF 1939 RELATING TO THE NOMINATION AND ELECTION OF THE COUNTY COMMISSIONERS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 5 of the Public-Local Laws of 1939 is repealed and there is inserted in lieu thereof the following: "The candidates for nomination to the office of county commissioners shall be voted upon by the qualified voters of the entire county both in the primary and in the general election, regardless of the district from which they have been nominated."

Ch. 612, Public-Local Laws, 1939, amended as to nomination and election of county commissioners, Anson County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

S. B. 329 CHAPTER 882

AN ACT RELATING TO THE RECORDING OF PLATS AND SUBDIVISIONS OF PROPERTY LYING AND BEING IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Guilford County, requirements for recordation of map or plat of subdivision.

SECTION 1. That it shall be unlawful for the Clerk of the Superior Court of Guilford County to order or direct the recording of a map or plat of a subdivision or development of real estate in Guilford County, North Carolina, unless it shall appear from the oath of the surveyor making the plat or map the following:

Location of property with respect to corporate limits of Greensboro or High Point.

(a) That said subdivision or development or a portion thereof is within the corporate limits of Greensboro or within a mile thereof; or that said subdivision or development or a part thereof is within the corporate limits of the City of High Point, or within one mile thereof; or that no part of said subdivision or development is within the corporate limits of the Cities of Greensboro or High Point or within one mile of the corporate limits of either city.

Approval of plat of property within one mile of corporate limits of Greensboro.

(b) If the subdivision or development, or any part thereof is within the corporate limits of the City of Greensboro or within one mile thereof that said map or plat has been submitted to the City Council or Governing Body of the City of Greensboro and approved by it.

Approval of plat of property within or within one mile of corporate limits of High Point.

(c) If the subdivision or development or any part thereof is within the corporate limits of the City of High Point or within one mile thereof that said map or plat has been submitted to the City Council or Governing Body of the City of High Point and approved by it.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

S. B. 330 CHAPTER 883

AN ACT TO PROVIDE A SCHEDULE OF FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Lee County, fees of Clerk of Superior Court.

SECTION 1. That the fees of the Clerk of the Superior Court of Lee County shall be the following, for the services designated herein, namely:

Adoptions, complete, ten dollars ($10.00).

Affidavits, including jurat and certificates, seventy-five cents (75c).

Appeal from justice of the peace, or from any court inferior to Superior Court, two dollars ($2.00), plus State process tax.

Appeal from clerk to judge, two dollars ($2.00).

Appeal to Superior Court, two dollars ($2.00).

Attachment, order in, one dollar ($1.00).

Auditing account of receiver, executor, administrator, guardian, or other trustee required to render accounts, twenty-five cents (25c) per $100.00 up to $1,000.00, fifteen cents (15c) per $100.00 up to $11,000.00, one-tenth of one per cent (1/10 of 1%) over $11,000.00, minimum fee two dollars ($2.00), maximum twenty-five dollars ($25.00).

Auditing final settlement of receiver, executor, administrator, guardian or other trustee, required to render accounts, fifty cents (50c) per $100.00 up to $1,000.00, fifteen cents (15c) per $100.00 on all above $1,000.00. Minimum fee three dollars ($3.00), maximum thirty dollars ($30.00).

Auditing and recording the final account of commissioners appointed to sell real estate, one-half of the fees allowed for auditing and recording final account of executors.

Bill of costs, preparing same, one dollar ($1.00).

Bond on undertaking, including justification, one dollar ($1.00).

Cancelling notice of lis pendens, fifty cents (50c).

Cancelling lien, fifty cents (50c).

Capias, each defendant, two dollars ($2.00).

Caveat to will, entering and docketing same for trial, three dollars ($3.00).

Commissions, issuing, one dollar ($1.00).

Lee County, fees of Clerk of Superior Court (cont'd).

Confirmation, one dollar ($1.00).

Continuances, criminal and civil, fifty cents (50c).

Docketing ex parte proceedings, two dollars ($2.00).

Docketing indictments, one dollar ($1.00).

Docketing liens, two dollars ($2.00).

Docketing judgments, one dollar ($1.00).

Docketing justice of peace transcripts, seventy-five cents (75c).

Docketing summons, fifty cents (50c).

Execution and return thereon, one dollar and fifty cents ($1.50).

Filing all papers, fifty cents (50c) each case.

Filing and recording report of sales by commissioners and trustees, two dollars ($2.00).

Guardian, appointment of including bond and justification, three dollars ($3.00).

Impaneling jury, twenty-five cents (25c).

Indictment, each defendant, two dollars ($2.00).

Injunction, order for, two dollars ($2.00).

Judgment, final, in term time, each defendant, two dollars ($2.00).

Judgment, final, before the clerk, two dollars ($2.00).

Judgment by confession, all services, three dollars ($3.00).

Judgment for widow's years support and docketing, two dollars ($2.00).

Juror ticket, including jurat, ten cents (10c).

Letters of administration, including bond and justification, three dollars ($3.00).

Motions, entry and record of, one dollar ($1.00).

Notices, fifty cents (50c) and for each additional name over one, twenty-five cents (25c).

Orders for time to file pleadings, fifty cents (50c).

Order by judge or clerk, one dollar ($1.00).

Order of arrest, each defendant, two dollars ($2.00).

Partnership, filing and indexing, two dollars ($2.00).

Lee County, fees of Clerk of Superior Court (cont'd).

Petition, filing and indexing, one dollar ($1.00).

Probate of deed, deed of trust, mortgage deed or crop lien, fifty cents (50c).

Probate of chattel mortgage, twenty-five cents (25c).

Probate of will in common form, two dollars and fifty cents ($2.50), and appointing and qualifying executors, two dollars and fifty cents ($2.50).

Recording and copying papers, per copy sheet, thirty cents (30c).

Registering trained nurses, doctors and dentists, including certificate, one dollar ($1.00).

Recording certificates of incorporation of corporations, five dollars ($5.00).

Recording certificates of dissolution, one dollar ($1.00).

Recording names of jurors as required by law, five cents (5c) for each name.

Seal of office, when necessary, fifty cents (50c).

Subpoena, each name, twenty-five cents (25c).

Summons in civil actions or special proceedings, including all the names therein, two dollars ($2.00), and for every copy thereof, fifty cents (50c).

Transcript of judgment with seal, one dollar and fifty cents ($1.50).

Transcript of any matter of record or paper on file, per copy sheet, thirty cents (30c).

Warrant, two dollars ($2.00).

Witness ticket, including jurat, ten cents (10c).

Five per cent (5%) commission shall be allowed the clerk on the receipts of miscellaneous trust accounts for heirs, distributees and legatees, on surplus from sale of lands or stocks by a trustee even though the money is paid to the clerk under an order of court. *Provided* this shall not apply to heirs, distributees or other persons who by law are incompetent to manage their property.

SEC. 2. For any service performed by the Clerk of Superior Court of Lee County not herein specifically enumerated, said clerk shall receive the same fee provided by the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws provided for the fees to be collected by the clerk of court, which are in conflict with the provisions of this Act, whether Special, Local, Public-Local or General, are hereby expressly repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

S. B. 366 CHAPTER 884

AN ACT TO CREATE A PERSONNEL BOARD FOR THE CITY OF LUMBERTON.

The General Assembly of North Carolina do enact:

Ch. 343, Private Laws, 1907, amended.

SECTION 1. That Chapter 343 of the Private Laws of 1907, as amended, be amended by adding the following Section between Sections 18 and 19:

City of Lumberton, Personnel Board created; membership; terms.

"SEC. 18½. There shall be a Personnel Board for the City of Lumberton, to consist of three members, and to be appointed by the city council. Members of the personnel board shall serve for a term of three years, except that of the members first appointed one shall be appointed to serve for three years, one for two years, and one for one year. Members shall be appointed by the city council at their first regular meeting in July of each year and a member of the board may be removed by the council only for cause and after being given a written statement of the charges against him and a public hearing thereon, if he so requests. Vacancies in an unexpired term shall be filled by the council by appointment for the remainder of the term.

Removal of members.

Vacancy appointments.

Qualification of members.

Each member of the personnel board shall be a qualified elector of the city and shall be known to be in sympathy with the merit principle. No lawyer practicing in any of the criminal courts of Robeson County shall serve on the board, and no member of the board shall become surety on any criminal bond during his service on the board. Members of the board are prohibited from seeking political office in the city government or from active participation in municipal elections immediately preceding or during their membership on the board. Members of the board shall not be eligible to succeed themselves on the board.

Organization of board.

Meetings.

Compensation.

The board at the first meeting in each fiscal year shall elect one of its members as chairman, who shall preside at all meetings. Meetings shall be held from time to time as necessary, and two members shall constitute a quorum. Members of the board shall serve without compensation. The city clerk shall

serve ex officio as secretary to the board and shall perform such duties as the board may direct. City clerk ex-officio secretary.

The personnel board shall have the power and shall be required to: Powers of board enumerated.

(1) Advise the city council and the city manager on municipal personnel problems. Advise with city council, etc.

(2) Establish reasonable standards of qualifications for applicants seeking employment in departments covered by this Section. All qualifications required of applicants shall be reasonable and practical and shall fairly test the capacity and fitness of the persons examined to discharge efficiently the duties of the position to be filled. No standards or requirements shall be fixed with reference to education, age or physical conditions except such as relate directly to the duties of the office or employment to be filled. Establish standards of qualifications for applicants seeking employment.

(3) Hold competitive examinations for all appointments within the police department, with the exception of the chief of police, and for all other positions as provided by municipal ordinance, and establish lists of eligible applicants from which appointments shall be made. Hold competitive examinations for certain appointments.

(4) Give general publicity as to the time and place of each examination at least two weeks prior to the date of the examination. Publicity as to examinations.

(5) Conduct public hearings upon the request of discharged, suspended, or demoted employees covered by this Section. Such requests shall be in writing and must be filed with the board not later than thirty days after such discharge, suspension or demotion. The board shall have all powers necessary to the complete investigation of the action taken, including the power to call and examine witnesses and papers. The board shall report in writing to the city manager its findings and recommendations. Conduct hearings upon request of employee discharged, etc.

All persons employed in positions covered by this Section at the time it becomes effective shall be deemed qualified for the positions they hold; all persons employed in positions brought under this Section by ordinance shall be deemed qualified for the positions they hold at the time the ordinance becomes effective. Persons employed pursuant to the terms of this Section shall serve satisfactorily for a period of six months before they shall be entitled to the right of appeal granted by this Section. Qualification of persons presently employed.

No employee covered by this Section shall actively participate in any manner in any municipal election other than to cast his vote in any election and express his opinion as a citizen with respect to any issue before the electorate. Participation in such activities shall be adequate reason for dismissal." Participation of employees in municipal elections restricted.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

S. B. 375 **CHAPTER 885**

AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL BOARD OF DURHAM COUNTY TO DISTRIBUTE EQUALLY BETWEEN THE CITY AND THE COUNTY OF DURHAM ANY ACCUMULATED SURPLUS WITHHELD FROM PROFITS ON SALES OF BEVERAGES IN SAID COUNTY WHEN IN THE OPINION OF SAID BOARD, THE AMOUNT SO ACCUMULATED SHALL BE IN EXCESS OF SUMS NEEDED FOR LAW ENFORCEMENT.

The General Assembly of North Carolina do enact:

Durham County, distribution of surplus A.B.C. funds withheld from profits for law enforcement.

SECTION 1. That the Alcoholic Beverage Control Board of Durham County be, and it hereby is authorized and empowered to distribute equally between the City of Durham and County of Durham any part of the accumulated surplus withheld from profits on sales of beverages in said county for law enforcement when, in the opinion of said board, the amount so accumulated and then on hand shall be in excess of the amount needed for law enforcement.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

S. B. 383 **CHAPTER 886**

AN ACT TO AUTHORIZE BOARD OF LIGHT AND WATER COMMISSIONERS OF THE CITY OF CONCORD TO EMPLOY SANITARY INSPECTORS, AND TO PRESCRIBE THE POWERS AND DUTIES OF SUCH INSPECTORS.

The General Assembly of North Carolina do enact:

City of Concord, Board of Light and Water Commissioners, employment of sanitary inspectors.

SECTION 1. That the Board of Light and Water Commissioners of the City of Concord is hereby authorized and empowered to employ one or more sanitary inspectors, whose salaries shall be fixed by the board and whose terms of office shall be at the pleasure of the board. Such inspectors shall be appointed for the purpose, and only for the purpose of patroling the area comprising the watershed of the public water supply of the City of Concord, North Carolina, said watershed being located in the Counties of Cabarrus and Rowan.

Oath of office of inspector.

SEC. 2. That each sanitary inspector so appointed shall, before entering upon the duties of his office, take and subscribe the usual oath. Such oath, with a copy of the commission of appointment, shall be filed with the Clerk of the Superior Court of each county into which the watershed extends, and such inspector shall possess within the limits of the watershed all of the powers vested in a peace officer of the State of North Carolina for the enforcement of the several statutes, rules and regulations enacted by the State of North Carolina or promulgated by any agency thereof relating to water protection, and only for such purpose. Each sanitary inspector so appointed is authorized and empowered to enter upon any premises and into any building upon such watershed for the purpose of making the inspections required by the Public Health Laws of the State of North Carolina, and such inspector is authorized and empowered to arrest without formal warrant any person who in the presence of said inspector is engaged in the violation of any of the laws, rules and regulations enacted or promulgated with respect to water protection.

Filing of oath.

Powers of sanitary inspectors.

Termination of office of inspector.

SEC. 3. That whenever the board shall no longer require the services of any inspector so appointed as aforesaid, it shall file a notice to that effect in the several offices in which notice of such appointment was originally filed, and thereupon the power of such inspector shall cease and be determined.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 162 **CHAPTER 887**

AN ACT PROHIBITING ANY PERSON GOING ON THE LANDS, WATERS, BOATS OR BLINDS TO HUNT, FISH OR TRAP WITHOUT CONSENT OF THE LAND OWNER OR HIS AGENT.

The General Assembly of North Carolina do enact:

Trespass upon posted property for purposes of hunting, etc., without written consent of owner, made misdemeanor.

SECTION 1. Any person who wilfully goes on the lands, waters or ponds of another upon which notices, signs or posters, described in Section 2 of this Act, prohibiting hunting, fishing or trapping, or upon which "posted" notices, have been placed, to hunt, fish or trap without the written consent of the owner or his agent shall be guilty of a misdemeanor and punished by a fine of not more than fifty dollars ($50.00) or by confinement in jail for not more than thirty days: *Provided* that no arrest under authority of this Section shall be made without the consent of the owner or owners of said land or their duly authorized agent.

Regulations as to posting of property.

SEC. 2. The notices, signs or posters described in Section 1 of this Act shall measure not less than ten inches by twelve inches and shall be conspicuously posted on private lands not less than 150 yards and not more than 500 yards apart close to and along the boundaries. At least one such notice, sign or poster shall be posted on each side of such land, and one at each corner thereof, provided said corner can be reasonably ascertained.

Mutilation, etc., of posted signs made misdemeanor.

Posting of signs without consent of owner made misdemeanor.

SEC. 3. Any person who shall mutilate, destroy or take down any "posted", "no hunting" or similar notice, sign or poster on the lands or waters of another, or who shall post such sign or poster on the lands or waters of another, without the consent of the landowner or his agent, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than fifteen dollars ($15.00).

Construction of Act.

SEC. 4. Nothing in this Act shall be construed to prohibit the entrance of any person upon navigable waters and the bays and sounds adjoining such waters for the purpose of fishing.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 357 CHAPTER 888

AN ACT TO PROHIBIT CARNIVALS AND VAUDEVILLE SHOWS IN HAYWOOD AND GRAHAM COUNTIES.

The General Assembly of North Carolina do enact:

Haywood and Graham Counties, carnival and vaudeville shows prohibited.

Penalty for violations.

SECTION 1. It shall be unlawful for any person or association of persons, or all who aid and abet or take part in, or in any other manner assist and participate in the operation of any carnival or vaudeville show; and every such person or association of persons, or all who aid and abet in the operation of said carnivals or vaudeville shows in Haywood and Graham Counties shall be guilty of a misdemeanor, and punished by a fine of five hundred dollars ($500.00) or by imprisonment in the discretion of the court, or both.

Leasing, etc., of premises for carnival or vaudeville shows made misdemeanor.

SEC. 2. Any person who, as owner, manager, lessee, director, promoter, or agent, or in any other capacity hires, leases or permits the land, buildings, or premises of which he is owner, lessee or tenant, or over which he has control, to be used by any carnival or vaudeville show, shall be guilty of a misdemeanor and punished by a fine of two hundred and fifty dollars ($250.00), or imprisonment in the discretion of the court, or both.

Application of Act.

SEC. 3. This Act applies only to Haywood and Graham Counties.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 431 CHAPTER 889

AN ACT TO EXEMPT BONA FIDE RESIDENTS OF ONSLOW COUNTY FROM COMMERCIAL FISHERIES LICENSE, TAXES AND FEES IMPOSED BY GENERAL STATUTES 113-162 AND 113-163.

Preamble: Land and waters along New River, Onslow County, owned by U. S. Government.

WHEREAS, virtually all of the land and waters along and on that portion of the East side of New River in Onslow County and much of the West side thereof and many miles of the ocean front on the eastern side of the mouth of said river are now owned by the United States Government and occupied by Camp Lejeune; and

Use as firing range by Camp Lejeune.

WHEREAS, much of said land and waters are used as firing ranges by said Camp Lejeune; and

Commercial fishing virtually destroyed.

WHEREAS, commercial fishing within said territories have been virtually destroyed and many commercial fishermen have been deprived of their livelihood; and

Relief should be given to fishermen within territory.

WHEREAS, it seems equitable that some relief be given to said fishermen by way of removing certain license, taxes and fees: *Now, therefore,*

The General Assembly of North Carolina do enact:

Onslow County, exemption of residents engaged in commercial fishing from portion of licenses, etc., under G. S. Ch. 113, Art. 15.

SECTION 1. That each and every person who has been a bona fide resident and citizen of Onslow County for as much as one year, and every firm and corporation which has maintained its office or principal place of business in said county, for not less than one year, engaged in commercial fishing in New River and New River Inlet and operate from a base within said county, shall be exempt from fifty per cent (50%) of all the license, taxes and fees now imposed by Article 15 of Chapter 113 of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 567 CHAPTER 890

AN ACT TO MAKE IT LAWFUL TO USE SWINGING NETS IN CERTAIN BAYS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Hyde County, use of swinging nets in certain bays permitted.

SECTION 1. Notwithstanding any other provisions of law, it shall be lawful, between November 1st and April 30th, to use a swinging net, that is, a net that is attached at one end to the bank or shore, whether the same be hauled by power boat or otherwise, if such net is not more than 600 yards in length, in commercial fishing in East Bluff Bay and its tributaries, West Bluff Bay and its tributaries, Juniper Bay and its tributaries, Abel's Bay and its tributaries, Bell's Bay and its tributaries, Rose Bay and its tributaries, and Swan Quarter Bay and its tributaries, in Hyde County. The size bar of such nets used shall be not less than one and one-fourth inches.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 682 CHAPTER 891

AN ACT RELATING TO DRINKING OF ALCOHOLIC BEVERAGES IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That General Statutes 14-335 be and the same is hereby amended by adding at the end thereof the following: G. S. 14-335, amended.

"It shall be unlawful for any person to be drunk and disorderly in any public place or on any public road or street in Avery County, and any person convicted of a violation hereof shall be guilty of a misdemeanor and fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) for each offense, or be imprisoned not exceeding thirty (30) days, at the discretion of the court." Avery County, penalty for public drunkenness.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 725 CHAPTER 892

AN ACT TO AMEND CHAPTER 1097 OF THE SESSION LAWS OF 1945, CREATING A STATE PORTS AUTHORITY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 1097 of the Session Laws of 1945 be, and the same hereby is, amended by rewriting said Section to read as follows: Ch. 1097, Session Laws, 1945, amended.

"SECTION 1. The North Carolina State Ports Authority is hereby created, consisting of and governed by a board of nine members, said North Carolina State Ports Authority being hereinafter for convenience styled the authority. The Director of the Department of Conservation and Development shall be ex officio a member of the said board. The Governor shall appoint the other members of said board and the membership thereof shall be selected from the State at large, so as to fairly represent each section of the State and all of the business, agricultural and industrial interests of the State. The terms of office of the members of the board appointed on account of residence in Carteret, New Hanover and Brunswick Counties shall terminate on the effective date of this Act, and the Governor shall appoint their successors for the unexpired terms held by them. The North Carolina State Ports Authority; membership of governing board. Terms of office.

terms of office of the other members of the board shall continue until the expiration of their terms for which they were appointed. The one additional member of the board shall be appointed by the Governor for a term of six years from and after the first day of May, 1949. Upon the termination of the term of office of each member their successors shall be appointed for a term of six years and until their successors shall have been appointed and qualified. In the event of a vacancy, however caused, the successor shall be appointed by the Governor for the unexpired term. The board shall elect one of their number as chairman, one as vice chairman and shall also elect a secretary and a treasurer who may not necessarily be a member of the authority. The board shall meet upon the call of its chairman and a majority of its members shall constitute a quorum for the transaction of its business. The members of the authority shall not be entitled to compensation for their services but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties."

Vacancy appointments.

Organization of board.

Meetings; quorum.

Compensation.

Chapter further amended as to powers of Authority.

SEC. 2. That Chapter 1097 of the Session Laws of 1945 be, and the same hereby is, further amended by striking out Subsection D. in Section 3 thereof and rewriting the same so as to read as follows:

Appointment of executive director.

Employment of personnel.

"D. Appoint an executive director for the said Ports Authority to serve at the pleasure of the board and, with the approval of the Governor, to fix his compensation; appoint and employ and dismiss at pleasure, such employees as may be selected by the authority board, and to fix and pay the compensation thereof.

Executive committee of board.

The governing board of said Ports Authority shall annually appoint an executive committee of three members of the board, which executive committee shall be vested with authority to do all acts which might be performed by the whole board, *provided* the board has not theretofore acted upon such matters. The members of the said executive committee shall serve until their successors are duly appointed."

Further amend said Section 3 by adding after Subsection A. the following:

Contracts and arrangements with other port authorities.

"Have the authority to make all necessary contracts and arrangements with other port authorities of this and other states for the interchange of business, and for such other purposes as will facilitate and increase the business of the North Carolina State Ports Authority."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 760 CHAPTER 893

AN ACT TO PROHIBIT THE SALE OF WINE AND BEER WITHIN CERTAIN AREAS IN CARTERET AND CRAVEN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the ratification of this Act, it shall be unlawful for any person, firm or corporation to sell wine or beer in the following areas in Carteret and Craven Counties:

Carteret and Craven Counties, sale of wine or beer within certain areas prohibited.

1. Within four hundred yards of the Harlowe Methodist Church in Harlowe Township, Carteret County.

2. Within four hundred yards on either side of Highway No. 101 from Harlowe Methodist Church to the county line between Carteret and Craven Counties.

3. Within two hundred yards on either side of Highway No. 101 from the county line between Carteret and Craven Counties to a point seven-tenths of a mile from said line where a culvert crosses under said highway in Craven County.

SEC. 2. Any person, firm or corporation violating the provisions of Section 1 of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

Violations made misdemeanor.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 859 CHAPTER 894

AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO LEVY A SPECIAL TAX NOT TO EXCEED TWO CENTS TO PROVIDE A VETERANS SERVICE OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Cumberland County are hereby authorized and empowered in their discretion, to levy and collect annually a special tax, not to exceed two cents (2c), in addition to the fifteen cent (15c) levy authorized by the Constitution for general purposes, for the special purpose of maintaining a veterans service office, said tax to be in addition to all special taxes authorized to be levied for any and all other

Cumberland County, special tax levy for maintenance of veterans service office authorized.

Limitation on rate of tax.

purposes, but such special tax for the veterans service office together with such other special taxes authorized for the same purpose shall not exceed two cents (2c) on the one hundred dollars ($100.00) valuation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1058 CHAPTER 895

AN ACT TO AMEND G. S. 115-38, RELATING TO THE COUNTY BOARD OF EDUCATION IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

G. S. 115-38, amended.

SECTION 1. G. S. 115-38 is hereby amended by adding the following at the end thereof:

Brunswick County, Board of Education.

"*Provided, however,* the Board of Education of Brunswick County shall consist of five members and nominees for membership shall be chosen in the following manner:

Nomination of candidate for membership.

"In the primary election or convention to be held in Brunswick County in 1950, and biennially thereafter, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated, by county-wide vote, one candidate from each of five districts, which districts are hereby created as follows:

Creation of districts.

District No. 1 to consist of Waccamaw School District
District No. 2 to consist of Shallotte School District
District No. 3 to consist of Bolivia School District
District No. 4 to consist of Southport School District
District No. 5 to consist of Leland School District."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1073 CHAPTER 896

AN ACT REPEALING SECTION 7-285 OF THE GENERAL STATUTES RELATING TO THE ESTABLISHMENT OF GENERAL COUNTY COURTS AND AMENDING CERTAIN OTHER SECTIONS OF ARTICLE 30, OF CHAPTER 7 AS THEY RELATE TO THE SURRY COUNTY GENERAL COURT.

The General Assembly of North Carolina do enact:

G. S. 7-285, repealed.

SECTION 1. Section 7-285 of the General Statutes is hereby repealed.

G. S. Ch. 7, Art. 30, establishment of general county courts, amended as to Surry County.

SEC. 2. Article 30 of Chapter 7 of the General Statutes, in so far as it relates to any general county court which has been established or which may hereafter be established in Surry County, is amended as follows:

G. S. 7-270, costs, amended as to Solicitor's fee.

a. Amend G. S. 7-270 by adding at the end thereof the following: "There shall be included in each bill of cost in a criminal action a solicitor's fee of four dollars ($4.00)."

G. S. 7-271, amended as to election of assistant judge.

b. Amend G. S. 7-271 by adding at the end thereof the following: "At the same time and in the same manner, of the election of the judge, there shall be elected an assistant judge whose term of office and qualifications shall be the same as that of the regular judge."

G. S. 7-274, amended as to issuance of warrants.

c. Amend G. S. 7-274 by adding at the end thereof the following: "The several justices of the peace of Surry County are authorized to issue warrants and make the same returnable before the judge of the general county court."

Drawing of jurors.

SEC. 3. On the first Monday in each month the Board of County Commissioners of Surry County shall cause to be drawn from the jury box in the same manner as now provided by law for drawing jurors in the Superior Court, sixteen jurors to be assigned to the general county court for said county for the trial of any criminal or civil cases in which a jury has been requested. The said jurors shall be summoned by the Sheriff of Surry County when and if he is directed to do so by the judge of the general county court.

Summoning of jurors.

Jury trials.

In all criminal cases in which the defendant demands a jury trial, the judge of the general county court may, at his election, transfer the said case to the Superior Court for trial, or may order the defendant tried before a jury in the general county court, and the judge of said general county court shall fix at least one day in each month for the trial of all criminal cases which he has ordered to be tried in said court and of all civil cases in which the interested parties have requested a jury. In all cases, both criminal and civil, which are for trial in said general county court before a jury, shall be tried at the same

Authority of judge vacate term.

time, and the court shall remain in session and retain said jury until all cases pending shall have been disposed of. In any month in which the judge of the general county court deems that there is not a sufficient number of civil and criminal cases on docket to warrant a term of court during that month, he may order all cases docketed and on trial for such month to be continued to the next succeeding month. The trial of such cases before a jury shall, as near as possible, be tried in the same manner as tried before a jury in the Superior Court.

Assessment of jury tax in bill of costs.

Assessment of court stenographer's fee.

That in all civil and criminal actions tried by a jury in said general county court, there shall be assessed as a part of the costs a jury tax in the sum of five dollars ($5.00); and in all cases where a court stenographer is required to take the evidence, either in the trial of criminal or civil cases, a stenographer's fee of two dollars ($2.00) shall be taxed in the bill of costs, to be paid by the parties required by the judgment of the court to pay the costs. If no stenographer is requested by either side to take the evidence, the judge of said court shall pass upon and settle the case on appeal.

Procedure on appeal to Superior Court.

SEC. 4. That in all criminal cases tried before a jury in said general county court and an appeal taken to the Superior Court, the appeal to the Superior Court shall be only for errors assigned in matters of law in the same manner as is now provided for appeal in civil cases from the general county court to the Superior Court, and any criminal case tried by a jury in the general county court shall not be heard de novo in the Superior Court; and in all criminal cases tried in the general county court and on which a jury has not been demanded by the defendant and an appeal taken to the Superior Court, the trial in the Superior Court shall be de novo.

Time within which appeal may be taken.

Appeal docketed in Superior Court.

Withdrawal of appeal prohibited.

Upon a defendant being tried and convicted in the General County Court for Surry County, he shall have ten days after such trial and conviction in which to appeal to the Superior Court, and any appeal taken from the general county court to the Superior Court shall be docketed in the Superior Court on the eleventh day after the trial and conviction in the general county court, and no defendant who appeals from the general county court to the Superior Court shall be permitted to withdraw said appeal.

Partial invalidity section.

SEC. 5. That if any part of this Act shall be held unconstitutional, such unconstitutionality shall not affect the remainder of this Act.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1092 **CHAPTER 897**

AN ACT TO CREATE AND ESTABLISH A RECORDER'S COURT FOR CARY, MEREDITH, AND HOUSE CREEK TOWNSHIPS, IN WAKE COUNTY, AND TO PRESCRIBE THE JURISDICTION AND PROCEEDINGS OF SAID COURT.

The General Assembly of North Carolina do enact:

Wake County, Recorder's Court of Cary, Meredith and House Creek Townships created.

SECTION 1. That a special or recorder's court for the trial of certain criminal and civil causes herein provided for and to be designated as "The Recorder's Court of Cary, Meredith, and House Creek Townships" is hereby created and established.

SEC. 2. The said court shall be a court of record and shall be presided over by a recorder, who shall be an elector of Wake County, of good moral character, and who may be a licensed attorney at law.

Election of recorder.

SEC. 3. That a recorder to preside over said court and perform the duties hereinafter prescribed shall be elected immediately after the ratification of this Act, by the Board of Commissioners and the Mayor of the Town of Cary, and said recorder shall hold said office until his successor shall be duly elected and qualified. At the general election of members of the General Assembly next succeeding the creation and establishment of the court herein provided for and thereafter at each general election for members of the General Assembly, a recorder for said court shall be elected by the qualified voters of Cary, Meredith, and House Creek Townships in Wake County for a term of two years, beginning on the first Monday in December following said election. The recorder shall take and subscribe the oath required by Judges of the Superior Courts and shall receive a salary not to exceed fifty dollars ($50.00) per day while actually engaged in holding said courts, to be fixed and determined by the Town Commissioners of the Town of Cary and paid by the Town of Cary monthly: *Provided,* the compensation paid said recorder by the Town of Cary shall in no case exceed the sum of one hundred dollars ($100.00) per month.

Oath of recorder.

Salary.

Limitation on salary.

Prosecuting attorney; duties, qualification.

Election of prosecuting attorney.

SEC. 4. There shall be a prosecuting attorney for said court, who shall have the same duties in said recorder's court as the solicitor has in the Superior Court. The said prosecuting attorney shall be an elector of Wake County, of good moral character, and a licensed attorney at law. Immediately after the ratification of this Act, the Board of Commissioners and the Mayor of the Town of Cary shall elect a prosecuting attorney for said court who shall hold office until his successor shall be duly elected and qualified. At the general election of members of the General Assembly next succeeding the creation and establishment of the court herein provided for, and thereafter at each general election for members of the General Assembly, a prosecuting attor-

ney for said court shall be elected by the qualified voters of Cary, Meredith, and House Creek Townships in Wake County for a term of two years, beginning on the first Monday in December following said election. Said prosecuting attorney shall take the same oath of office provided for the solicitor of the Superior Court, and shall receive as his compensation the fees herein provided, to be paid him monthly by the clerk of said court.

Oath of office.

Compensation.

Election of clerk of court.

SEC. 5. There shall be a clerk of said court whose duties shall be as hereinafter provided. The clerk of said court shall be elected by the Board of Commissioners and the Mayor of the Town of Cary immediately after the ratification of this Act, to hold office until his successor shall have been elected and qualified. The Board of Commissioners and the Mayor of the Town of Cary shall, at their regular meeting in June of the year 1949, and at their regular meeting in June every two years thereafter, elect a clerk of said court. Before entering upon the duties of said office as such clerk, he shall enter into bond with good and sufficient surety in such amount as the Board of Commissioners of the Town of Cary shall determine, but in no case less than five hundred dollars ($500.00), which bond shall be payable to the State of North Carolina, for the use and benefit of said Town of Cary for the true and faithful performance of his duties as such clerk, and for the faithful accounting for and paying over of all monies which may come into his hands by virtue of the said office. Said bond shall be approved by the Commissioners of the Town of Cary. Said clerk shall be paid by the Town of Cary a salary to be fixed within the discretion of the town commissioners, not to exceed the sum of six hundred dollars ($600.00) per annum, to be paid in equal monthly installments. Such clerk shall make monthly settlements with the county and town treasurer: *Provided,* the office of clerk may be combined by said commissioners with any other town office, and one person may be elected by said commissioners to perform the duties of both offices, and when so combined the commissioners may pay such additional salary out of the town funds as in their judgment is adequate and just compensation for additional services rendered.

Bond required of clerk.

Approval of bond.

Salary of clerk.

Office of clerk may be combined with other town office.

Sessions of court.

SEC. 6. The court shall hold sessions twice a month on the second and fourth Mondays of each month at such place in the Town of Cary as may be designated by the commissioners of said town: *Provided, however,* that whenever the commissioners of said town and the recorder of said court shall find that the business to come before said court during any month will not require more than one session per month, then said commissioners may order, by approval of the recorder, that no session be held on the fourth Monday in such month, and all matters set for the session on the fourth Monday of such month shall stand continued until the next following second Monday. Each term of said court, beginning on the second and fourth Mondays in each month, except when the term beginning on the fourth Mon-

day shall be dispensed with as herein provided, shall continue and said court shall remain in session, as many days as shall be necessary to dispatch the business coming before said court.

Criminal jurisdiction.

SEC. 7. The court shall have the following jurisdiction within the following named territory:

Offenses committed within corporate limits of Cary.

(1) Original, exclusive, and concurrent jurisdiction, as the case may be, of all offenses committed within the corporate limits of the Town of Cary which are now or may hereafter be given to justices of the peace under the Constitution and general laws of the State, including all offenses of which the Mayor of the Town of Cary now has jurisdiction.

Offenses within jurisdiction of Justice of the Peace.

(2) Final, concurrent, original jurisdiction with justices of the peace of all crimes and misdemeanors of which justices of the peace now, or may hereafter, by law, have final, original jurisdiction.

Offenses enumerated occurring within territorial jurisdiction of Court.

(3) Final, original jurisdiction of the following crimes and misdemeanors committed within the boundaries of Cary, Meredith and House Creek Townships, Wake County: Carrying concealed weapons, gaming, keeping gambling houses, keeping bawdy houses, larceny, receiving stolen goods knowing them to be stolen when the value of the article or articles stolen does not exceed twenty dollars ($20.00); failure to list taxes, assault and battery with a deadly weapon or when serious damage is done, fornication and adultery, abandonment, cruelty to animals, resisting an officer, malicious injury to real or personal property, trespassing on land after being forbidden, forcible trespass, enticing servants to leave master, indecent exposure of person, retailing spirituous liquors without license, selling or giving away spirituous liquors to minors, and other violations of the laws relating to intoxicating liquors, selling or giving away cigarettes to minors; obtaining advances by false pretense, bastardy, disposing of mortgaged property, and of all other crimes and misdemeanors now existing under the laws of North Carolina, and as they may hereafter be added to, substituted or amended, where the punishment does not exceed a fine of two hundred dollars ($200.00) and/or imprisonment for two years, and all crimes which under the common law or under the laws of the State of North Carolina are misdemeanors wherein the punishment is in the discretion of the court. All the foregoing offenses are hereby declared to be petty misdemeanors.

Petty misdemeanors.

(4) Exclusive, original jurisdiction of all other criminal offenses committed within the boundaries of Cary, Meredith, and House Creek Townships in Wake County, which are below the grade of felony as now defined by law, and the same are hereby declared to be petty misdemeanors.

Provided, that nothing in this Section 7 shall be deemed to divest the Superior Court of any jurisdiction it may have over any of the offenses described in this Section.

Actions for recovery of penalties.

SEC. 8. The court shall have jurisdiction to try all actions for the recovery of penalties imposed by law or by ordinances of municipal corporations. Such penalties shall be disbursed by the clerk of the court as required by statute or municipal ordinance, and the court shall have the power whenever such penalties are not paid, or fines or costs have been imposed and not paid, to require the defendant to be worked on the public roads of Wake County until, at a fair rate of wages, such defendant has worked out the amount of such fine and costs.

Preliminary hearings and investigations.

SEC. 9. That in addition to the jurisdiction given in Section 7 of this Act, the said court is hereby given concurrent jurisdiction to hear and bind over to the Superior Court all persons charged with crime committed within that territory embraced within the boundaries of Cary, Meredith and House Creek Townships, including the Town of Cary, wherein preliminary investigation thereof is now conferred on Justices of the Peace or the Mayor of the Town of Cary. The Justices of the Peace of Cary, Meredith and House Creek Townships are hereby empowered and directed, in any criminal action pending in their courts wherein said justices' courts do not have final jurisdiction, and wherein preliminary investigation is now conferred on said justices' courts, to bind any person charged with crime, if they shall find probable cause, over to the recorder's court herein provided for, to be tried therein as the law directs; and only in such cases as the said recorder's court shall not have final jurisdiction shall any person charged with crime be bound over by said court to the Superior Court of Wake County.

Transfer of preliminary hearings in cases pending before Justices of the Peace.

Issuance of warrants.

SEC. 10. Warrants may be issued by the recorder of this court, by the clerk of this court, or by a substitute recorder, for any person or persons charged with the violation of the criminal laws of this State, which warrant shall be made returnable before said recorder within thirty days from the issuing thereof. Said recorder, substitute recorder, or clerk, may also issue subpoenas, orders, capiases, and all other process applicable to said court. Any person convicted in said court shall have the right of appealing to the Superior Court of Wake County as is now provided for appeals from justices of the peace courts and upon such appeals the trial shall be de novo.

Issuance of other processes.

Appeal to Superior Court.

Procedure on hearing as committing magistrate.

SEC. 11. In all cases heard by the recorder of said court established by this Act as committing magistrate against any person or persons for any offense wherein the court herein established has not final jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in bond or recognizance with sufficient security, to be fixed by the recorder of this court, to appear at the next succeeding term of the Superior Court of Wake County for the trial of criminal cases, and in default of such bond or recognizance, such person or persons shall be committed to the common jail of Wake County to await trial as aforesaid: *Provided*, in all capital offenses such person

or persons shall be committed to the common jail of said county without bail.

Cost items for issuance and service of process by officers of Town of Cary, payable to town.

SEC. 12. All costs in issuing warrants and serving the same when executed by an officer of the Town of Cary in cases where the recorder of said court has not final jurisdiction as aforesaid, and for the service of process arising in such cases when executed by an officer of said town, when said officer is paid a salary by the Town of Cary, shall be paid to the Town of Cary. Officers serving process issued from said court shall be allowed the same fees as are now allowed sheriffs in like cases, the same, when collected, to be paid over as herein provided.

Punishment upon plea or conviction.

Payment of cost of prosecution.

SEC. 13. All persons pleading guilty or convicted in said court of any offense mentioned in this Act shall be fined or imprisoned according to law, and any person entering such plea of guilty and who may be convicted of any offense shall pay the cost of prosecution.

Sentence of imprisonment or confinement in appropriate penal institution.

SEC. 14. When any person is convicted, or pleads guilty, of any offense of which the court has final jurisdiction, the recorder may sentence him to the common jail of Wake County to be assigned to work under the State Highway and Public Works Commission; or when such person is a woman or an infant of immature years, the recorder may sentence him or her to the city or county workhouse or State reformatory, or other penal institution provided by law for such purposes.

Court procedure.

SEC. 15. The recorder herein provided for shall preside over the said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this Act, and the proceedings of said court shall be the same as are now prescribed for courts of justices of the peace and for the Superior Courts as far as the same may be applicable to this court, and insofar as not inconsistent with the provisions of this Act, and in case of appeal to the Superior Court as herein provided, every defendant shall be required to give bond with sufficient surety, to be approved by the recorder of this court, to insure his appearance in said court, and in default thereof the recorder shall commit such defendant to the common jail of Wake County until he shall give bond or otherwise be discharged according to law.

Approval of appearance bond on appeals to Superior Court.

Commitment to Wake County jail upon default.

Jurisdiction in civil actions.

SEC. 16. The said recorder's court shall have original, final and concurrent jurisdiction with Justices of the Peace of Wake County in all civil actions, and in addition to the jurisdiction conferred by this Section, it shall have concurrent, original jurisdiction with the Superior Court of all other civil actions arising out of contract where the sum demanded does not exceed the sum of one thousand dollars ($1,000.00), and those arising out of tort where the value of the property or the amount in controversy does not exceed the sum of five hundred dollars ($500.00): *Provided,* the title to real estate shall not be in controversy: *Provided further,* that issuance of summons by said

court to run out of Wake County in cases wherein justices of the peace have concurrent jurisdiction shall be subject to the provisions of General Statutes of North Carolina, Chapter 7, Section 138.

Procedure in civil actions beyond the jurisdiction of Justices of the Peace.

SEC. 17. In all civil actions which exceed the final jurisdiction of justices of the peace, the plaintiff at the time of issuing summons shall file a written complaint and file a copy of the same with the clerk of this court for the use of each defendant. Summons in these actions shall be returnable not sooner than ten days after service thereof, in which time the defendant shall file his answer. In filing answer, defendant shall file a copy of the same with the clerk of this court for the use of the plaintiff. The action shall then stand for trial after the expiration of three days from the return date, being docketed and calendered in its order. The said court shall have the same authority for granting continuance, taking bond, and rendering judgment in matters within its jurisdiction as now fixed by law in like cases in justices of the peace courts, the Mayor's Court of Cary, and the Superior Court of Wake County, and the rules of law governing the issuing and service of notices and summons and all proceedings for taking and enforcing judgment in such cases shall be the same as is now provided in like cases in said courts as to matters in their respective jurisdictions by this Act placed in the jurisdiction of said recorder's court.

Institution of action in the Superior or Recorders Court, at election of plaintiff.

Cases within jurisdiction of Justice of the Peace.

SEC. 18. In all civil actions and matters where this court has jurisdiction and where a justice of the peace does not have jurisdiction, the plaintiff in such action may bring an original suit either in said recorder's court as prescribed by this Act or in the Superior Court of Wake County, at his election; and when a justice of the peace does have jurisdiction, the plaintiff may bring suit before a justice of the peace or in said recorder's court as he may desire. The procedure in said court shall, so far as practicable, conform to the procedure in the Superior Courts of the State.

Force and effect of judgments.

Lien upon real property when docketed in office of C. S. C.

SEC. 19. All judgments in civil actions rendered by the said recorder's court shall have the same force and effect as judgments of the justices of the peace, but no judgment of the Recorder's Court of Cary, Meredith and House Creek Townships shall be a lien upon land until docketed in the office of the Clerk of Superior Court of Wake County. Executions shall issue from the said recorder's court when not to run against land. All judgments of this court may be docketed in the office of the Clerk of Superior Court of Wake County in like manner and with like effect as judgments of justices of the peace.

Trial by jury.

Deposit required.

SEC. 20. The plaintiff, prosecuting attorney, or the defendant in civil or criminal actions in this court shall, upon demand before trial, be entitled to a trial of the cause by a jury of six men, upon depositing with the clerk of said court fifteen dollars ($15.00) in all cases; the said jurors to be drawn as hereinafter

provided. The Commissioners of the Town of Cary shall prepare a jury box and a list of qualified voters of Cary, Meredith and House Creek Townships qualified to serve as jurors as now provided by law for the Superior Court, and turn said box and list of jurors over to said court, which box shall have two compartments as now provided by law for a jury box, and the recorder shall have custody of the only key to the side of the box containing the list of qualified jurors who have not been drawn out or served, and the clerk of said court shall have custody of the only key to the other side of the box. Such jurors shall be drawn in open court by a child of not over ten years of age and the list given to the Marshal of the Town of Cary, served by him or by a policeman of the Town of Cary, or by any officer duly authorized by the recorder, and the case set for trial at a time fixed by the court, giving the marshal or the officer serving the same sufficient time to serve said jurors. The number of jurors in each case where a jury is demanded shall be twelve. Said jury list shall be revised by the Commissioners of the Town of Cary every two years, as now provided by law for the jury list of the Superior Courts: *Provided*, that by consent of all parties to the action, a jury may be summoned without being drawn from the box, and said jury fee of fifteen dollars ($15.00) to be taxed against the losing party as part of the cost. The plaintiff and the defendant shall each have the right to challenge peremptorily two jurors and others for cause as now allowed by law in the Superior Court. The compensation allowed jurors shall be one dollar ($1.00) per day.

Jury list.

Drawing of jurors.

Biennial revision of jury list.

Challenges.

Compensation of jurors.

SEC. 21. Said court shall have a seal with the impression "The Recorder's Court of Cary", which seal shall be used in attestation of writs, warrants, and other proceedings, acts or judgments of said court in the same manner and to the effect as the seal of other courts in the State of North Carolina.

Seal of Court.

SEC. 22. The process of said court may be issued to the Marshal, Chief of Police, or other policeman of the Town of Cary, or to the Sheriff, Constable, or other lawful officer of Wake County, or any other county in the State of North Carolina, and such process, when attested by the seal of said court, shall run anywhere in the State of North Carolina and shall be executed by all officers and returns made according to law: *Provided*, no seal shall be required upon any process issued by or from said court to any officer in the Town of Cary or the County of Wake.

Issuance and execution of process.

SEC. 23. Should the recorder or prosecuting attorney of said court be temporarily prevented from attending to his duties, the Clerk of the Superior Court of Wake County shall appoint a temporary recorder or prosecuting attorney for the session of court which the regular recorder or prosecuting attorney is prevented from attending. Such substitute recorder or prosecuting attorney shall have all the jurisdiction, power and authority of the regular recorder or prosecuting attorney of said

Appointment of temporary recorder and prosecuting attorney.

Power, oath and compensation of temporary officers.

court, shall subscribe to the same oath and receive the same compensation as the regular recorder or prosecuting attorney of said court while serving under the appointment of said clerk. In case of a vacancy in the office of recorder or prosecuting attorney of said court, the Clerk of the Superior Court of Wake County shall fill such vacancy by appointment, which appointee shall serve until his successor shall be elected at the next general election and qualified.

Vacancy appointments.

Additional fees to be taxed as part of costs.

SEC. 24. In each case disposed of by said recorder, or substitute recorder, there shall, in addition to other lawful costs, be allowed the following fees to be taxed as a part of the costs:

(1) In each case, civil or criminal, a recorder's fee of three dollars ($3.00).

(2) In each criminal case where conviction is had or the cost is assessed against the prosecuting witness, a fee of five dollars ($5.00), which fee shall be a prosecuting attorney's fee.

(3) For the clerk of such court, the same fees as are allowed the Clerk of Superior Court of Wake County in similar cases.

Collection and disbursement of fees.

The clerk of said court shall collect said fees and keep a complete record of all collections and disbursements. The said fees shall be disbursed by said clerk as follows, to-wit: All fees of salaried process officers required by law to be paid to the County of Wake or to the Town of Cary shall be remitted as required by law; all fees payable to process officers entitled to receive the same, to witnesses and the prosecuting attorney shall be disbursed by the clerk to such officers, witnesses or prosecuting attorney. The remaining amount of fees collected shall be remitted by the clerk to the Town of Cary as a fund to reimburse said town for the expense of said court. The said Town of Cary shall pay the salary of the recorder of said court, the salary of the clerk, and shall provide a court room and necessary record books and blank forms, and shall pay other necessary expenses of said court. All fines and penalties collected by the clerk shall be paid to the County of Wake for the benefit of the school fund, or as otherwise provided by law, and penalties for violation of ordinances of the Town of Cary, or other municipal corporations, shall be paid to such municipal corporations as and when required by such ordinances. In the trial of all criminal actions in the court mentioned in this Act, the clerk of said court, where the action originated in the court of a justice of the peace, shall tax in the costs of said action the costs which accrued in said justice's court, and if there is no prosecutor in such criminal action and the defendant is acquitted, or convicted and unable to pay the costs, a nolle prosequi is entered, or judgment arrested, or prayer for judgment continued, the county shall pay the clerks, sheriffs, constables, justices and witnesses one-half their lawful fees so taxed in the costs, un-

Fees payable to the Town of Cary.

Salary of recorder, clerk and cost of maintaining court to be paid by town.

Fines and penalties payable to school fund.

Penalties payable to municipalities.

Costs accruing in Justice of Peace Court, taxed in bill of costs.

Payment by county of one half fees in certain instances.

less judgment otherwise shall be entered by said court. In all such actions it shall be the duty of the clerk of said court to make out a statement of such costs from the record or docket and file the same with the board of commissioners of the county within thirty days after the hearing, trial, determination, or other disposition of such case.

Statement prepared and submitted to county commissioners by clerk.

SEC. 25. It shall be the duty of the clerk of said court to keep an accurate and true record of all costs, fines, and penalties, forfeitures, and punishments by said court imposed under the provisions of this Act, and said record shall show the name and residence of such offender and nature of such offense, the date of hearing, trial and punishment imposed, which said record shall at all times be open and subject to inspection by the commissioners of said town or other person having business relating to said court, which shall conform to the dockets required to be kept by the Clerks of Superior Courts. He shall also keep in proper files, to be provided by the Town of Cary, a record of all cases which shall be disposed of in said court and what disposition had been made of them.

Record of all costs, fines, etc., to be maintained by clerk.

Record open to inspection.

Record of cases disposed of.

SEC. 26. All appeals in civil or criminal cases from the courts of Justices of the Peace of Cary, Meredith or House Creek Townships, or from the Mayor of the Town of Cary, shall be to the said recorder's court herein provided for when final jurisdiction is given said recorder, and no case shall be removed from said recorder's court as is now provided for removal of cases from one justice of the peace to another.

Appeals from Justices of the Peace, within territorial jurisdiction of court.

SEC. 27. The Commissioners of said Town of Cary shall at any time have the right to remove the clerk of said court either for incompetency or for neglect of the duties of his office, and in the event of a vacancy from any cause in said office, said board shall have the right to fill the same.

Removal of clerk by town commissioners.

SEC. 28. Whenever, under any judgment of the court, any defendant is sentenced to work upon the public works of Wake County, or to pay fine and the costs of the prosecution, or costs only, and the defendant shall in fact work out the sentence or fine and costs, or either, upon such public works, then Wake County shall be liable for and shall pay to the Treasurer of the Town of Cary one-half the amount of the costs taxed in the cause: *Provided*, the sentence imposed shall be of sufficient length to reimburse the county for one-half of such costs.

Payment of one half costs by county where road sentence served.

SEC. 29. Said court shall have full power, in any case in which he shall adjudge that the prosecution was not required by the public interest, to tax the prosecutor with the costs of said action, and in the event said court shall adjudge that such prosecution is frivolous or malicious, he may imprison such prosecutor for the non-payment of such costs, as provided by the laws of the State of North Carolina, until such costs are paid: *Provided*, when such costs are paid they shall belong to the Town of Cary.

Power to tax prosecutor with costs, and imprison for non-payment.

General power and authority of court.

SEC. 30. That the court created by this Act shall have the same authority for granting continuances, taking bonds, recognizances, and rendering judgment on forfeited bonds and recognizances as is now vested by law in the Superior Courts of said State, and the rules of law regulating the issuing and service of notices against defendants and their sureties upon such bonds and recognizances and of proceedings for taking and enforcing judgments in such cases, shall be the same as is now provided in like cases for the Superior Courts of the State. Transcripts of any judgment rendered in any case may be docketed in the Superior Court of Wake County in the same manner and with like effect of any other judgment docketed as provided by law in said court.

Power to punish for contempt.

SEC. 31. Said court shall have the same power to punish for contempt which is given to the Superior Courts of this State by the laws of the State of North Carolina, and the procedure in such matters shall be the same as is now provided by law for said Superior Courts.

Amendment of warrants.

SEC. 32. In all cases the said court shall have the right to amend any warrant issued by the recorder of the court, a substitute recorder, or the clerk of said court, or sent up by any magistrate as hereinbefore provided for, in the same way and to the same extent as justices of the peace are now authorized by law to make amendments of warrants issued in their courts.

Monthly statements to County Commissioners.

Monthly payments by county on cost of maintenance.

SEC. 33. The clerk of said court shall monthly furnish to the Board of County Commissioners of Wake County a statement of the cost of maintenance of said court and the Board of Commissioners of Wake County, at their regular monthly meetings, shall pay to the Treasurer of the Town of Cary fifty dollars ($50.00) each month to aid in defraying the cost of maintaining said court.

Conflicting laws repealed.

SEC. 34. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 35. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1102 **CHAPTER 898**

AN ACT TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF HAYESVILLE AND A REFERENDUM ON SUCH EXTENSION UPON PRESENTATION OF A PROPER PETITION.

The General Assembly of North Carolina do enact:

Town of Hayesville, notice of meeting for consideration of annexation of territory to town.

SECTION 1. After public notice has been given by publication once a week for four successive weeks in a newspaper in Clay County, with a general circulation in the Town of Hayesville, or if there be no such paper, by posting notice in five or more public places within the Town of Hayesville, describing by metes and bounds the territory to be annexed, thus notifying the owner or owners of the property located in such territory that a session of the Board of Aldermen or Town Council of the Town of Hayesville will meet for the purpose of considering the annexation of such territory to the Town of Hayesville. The Governing Body of the Town of Hayesville is authorized and empowered to adopt an ordinance extending its corporate limits by annexing thereto any contiguous tract or tracts of land not embraced within the corporate limits of said Town of Hayesville. Then from and after the date of the adoption of such ordinance, unless an election is required as herein provided, the territory and its citizens and property shall be subject to all of the debts, laws, ordinances and regulations in force in said Town of Hayesville and shall be entitled to the same privileges and benefits as other parts of said Town of Hayesville. The newly annexed territory shall be subject to municipal taxes of the Town of Hayesville levied for the fiscal year following the date of annexation.

Adoption of ordinance extending corporate limits.

Effect of adopted ordinance.

Election on extension of corporate limits upon petition therefor.

SEC. 2. If, at the meeting held for such purpose, a petition is filed and signed by at least fifteen per cent (15%) of the qualified voters resident in the area proposed to be annexed requesting a referendum on the question or if a petition is filed and signed by at least fifteen per cent (15%) of the qualified voters residing in the Town of Hayesville requesting a referendum on the question, or if a petition is filed and signed by at least fifteen per cent (15%) of the qualified voters resident both in the area proposed to be annexed and resident in the Town of Hayesville, the total residents combined, requesting a referendum on the question, the Governing Body of the Town of Hayesville shall, before passing said ordinance annexing the territory, submit the question as to whether said territory shall be annexed to a vote of the qualified voters of the said Town of Hayesville and the territory to be annexed thereto, voting together. For the purposes of the petitions provided for herein, qualified voters shall mean those voters who actively participated in the last gubernatorial election.

"Qualified voters" defined.

Call of election.

SEC. 3. Upon receipt of a sufficient petition, it shall be the duty of the Governing Body of the Town of Hayesville to submit the question to a referendum and the said Town of Hayesville shall order the Board of Elections of Clay County to call an election to determine whether or not the proposed territory shall be annexed to the Town of Hayesville. Within sixty days after receiving such order from the Governing Body of the Town of Hayesville, the county board of elections shall proceed to hold an election on the question.

Contents of resolution calling election.

SEC. 4. Such election shall be called by a resolution or resolutions of said County Board of Elections of Clay County which shall:

(a) Describe the territory proposed to be annexed to the said Town of Hayesville as set out in the order of the governing authority of said town;

(b) Provide that the matter of the annexation of such territory shall be submitted to the qualified voters of the territory proposed to be annexed and to the qualified voters of the Town of Hayesville, voting together;

(c) Provide for a special registration of voters in the territory proposed to be annexed for said election;

(d) Designate the precincts and voting places for such election;

(e) Name the registrars and judges of such election; and

(f) Make all other necessary provisions for the holding and conducting of such election and canvassing of the returns and the declaration of the results of said election.

Publication of resolution.

Said resolution shall be published by posting notice of same in five or more public places within the Town of Hayesville for two weeks prior to the opening of the registration books. All

Costs of election.

costs of holding such election shall be paid by the Town of Hayesville. Except as herein provided, said election shall be held under

Conduct of election.

the same statutes, rules and regulations as are applicable to

Qualification of voters.

elections in the Town of Hayesville. The test of qualification of voters in said election shall be whether they are residents and qualified voters of the Town of Hayesville, and as to the territory proposed to be annexed thereto, the test of qualification of voters shall be whether they are residents and qualified voters of Clay

Registration books in territory proposed to be annexed.

County, as shown by the registration books. The registrars of precincts which include the territory outside the Town of Hayesville proposed to be annexed to said town, during the registration period for said election, shall keep separate registration books which shall list the names of any new registrants in said new territory.

Form of ballot.

SEC. 5. At such election, those qualified voters who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension." If at such election a majority of the votes cast shall be for extension of the corporate limits of the Town of Hayesville as hereinbefore proposed, then from and after the date of the declaration of the result of such election, the territory and its citizens and property shall be subject to all the debts, laws, ordinances and regulations in force in said Town of Hayesville and shall be entitled to the same privileges and benefits as other parts of said Town of Hayesville. The newly elected or annexed territory shall be subject to municipal taxes of the Town of Hayesville levied for the fiscal year following the date of annexation.

Extension of corprate limits in event of majority vote therefor.

Recordation of map of annexed territory, ordinance and election results.

SEC. 6. If the limits of the Town of Hayesville are enlarged in accordance with the provisions of this Act, it shall be the duty of the Mayor of the Town of Hayesville to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, and the official results of the election, if conducted, to be recorded in the office of the Register of Deeds of Clay County, and the Governing Body of the Town of Hayesville is hereby authorized to make the survey therein required to properly describe the territory proposed to be annexed.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1124 CHAPTER 899

AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN AND OTHERS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Durham County and City of Durham, license required of professional bondsmen.

SECTION 1. It shall be unlawful for any person, firm, or corporation to engage in the business of professional bondsman, or surety, without first paying an annual license fee to the City of Durham and County of Durham in the sum of fifty dollars ($50.00) each.

Schedule of financial condition filed with Clerk Superior Court.

SEC. 2. Every person, firm, or corporation licensed as a professional bondsman, or surety, shall, before engaging in such business, file a schedule of financial condition with the Clerk of the Superior Court, and the financial responsibility of the obligor named in all bail or other bonds executed by said professional

Deposit of security.

bondsman shall be approved by said clerk. When, in the opinion of said Clerk of the Superior Court, the financial condition of any professional bondsman is inadequate to justify acceptance of further bonds, he shall demand from such professional bondsman a deposit of security in such value as to secure the State in the collection of any forfeited penalty.

"Professional bondsmen" defined.

SEC. 3. The term professional bondsman, as herein used, shall be construed to include any individual, group of individuals, or corporation, who shall, for pay or profit, execute any bond for the release of any person or property from custody of law, or for the guarantee of any penalty contained in any bond, or recognizance.

Solicitation of business through lawyers and officials, prohibited.

SEC. 4. It shall be unlawful for any professional bondsman to solicit business by or through any attorney at law, court official, or law enforcement officer, or to pay to, give, or lend to any said person or persons money or other things of value as pay or gratuity for such service.

Solicitation in jail, court house, etc., prohibited.

SEC. 5. It shall be unlawful for any professional bondsman to solicit business, directly or through another, in any jail, courthouse, court room, or other municipal or governmental building. But it shall be lawful for any professional bondsman or any bona fide employee of said professional bondsman to go into or remain in the hall or hallway of the basement floor of the County Courthouse in Durham in order that those under arrest or any other person desiring a bond may contact said professional bondsman or employee for the purpose of securing his or their going on and signing the bond of any said person under arrest or requiring a bond in any criminal case.

Permissable activities in contacting clients.

Bondsmen and law enforcement officers prohibited from recommending attorneys, etc.

SEC. 6. It shall be unlawful for any professional bondsman, court official, or law enforcement officer to recommend to any person incarcerated or bailed, any particular attorney at law, or firm practicing law, or to advise such person with respect to the law or court procedure.

Certain officials prohibited from becoming bail.

SEC. 7. No sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, shall in any case become bail for any prisoner, for money or property. Nor shall any sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or their wives, become bail as agents for any professional bondsman. Nor shall they recommend any particular professional bondsman, or attorney at law.

Recommending attorneys by officials prohibited.

Acceptance of pay or gratuity from professional bondsmen, prohibited.

SEC. 8. It shall be unlawful for any attorney, or court official, or law enforcement officer to accept any pay or gratuity from any professional bondsman for any service rendered, directly or indirectly, to said bondsman, except fees fixed by law or as compensation for professional services rendered in the customary practice of the legal profession. It shall be unlawful for any professional bondsman to have in his employment in connection

with said bonding business the brother, son or wife of any sheriff, deputy sheriff, policeman, constable, jailer or assistant jailer or anyone connected with the Police Department of the City of Durham or anyone connected with the office of the Sheriff of the County of Durham.

Employment of members of the family of certain officials, prohibited.

SEC. 9. It shall be unlawful for any professional bondsman to charge or receive as compensation for his services to any person a sum in excess of ten per cent (10%) of the penalty of any bond. A minimum charge of five dollars ($5.00) may be made. No person bailed shall be surrendered as provided by law during the pendency of his cause unless the professional bondsman shall return to such person one half of the charge made and received by him for his service. *Provided however,* no refund shall be required of said professional bondsman if such person, during the pendency of his cause, shall fail to make his appearance as required by his recognizance.

Limitation on cost of bond.

SEC. 10. Any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court, and upon conviction the court shall suspend or revoke the license of such professional bondsman for a period of two years.

Violations made misdemeanor.

SEC. 11. The Governing Body of the City of Durham or the Board of Durham County Commissioners shall have the power to inquire into the violation of any of the provisions of this Act and to revoke the license of any professional bondsman upon satisfactory proof of such violation, after said bondsman has been given an opportunity to be heard in his defense. Whenever any license has been revoked, it shall be unlawful to reissue said license to any person, firm, or corporation for a term of two (2) years after the revocation of same. The revocation of either municipal or county license shall automatically revoke any other license issued to said bondsman. Any professional bondsman shall have the right to appeal said revocation to the Superior Court.

Revocation of license of professional bondsman.

Re-issuance within two years of revocation, prohibited.

SEC. 12. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina when signing any bond in connection with any matter other than a criminal case.

Companies regularly licensed by State Insurance Department, exempted.

SEC. 13. That this Act shall apply to Durham County only.

Application of Act.

SEC. 14. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 15. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1179 CHAPTER 900

AN ACT RELATING TO THE ELECTION OF THE MEMBERS OF THE SCHOOL BOARD OF THE HAMLET CITY SCHOOL ADMINISTRATIVE UNIT SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Hamlet City School Administrative Unit School District, election of members of School Board.

SECTION 1. Notwithstanding any other provisions of law, members of the School Board of the Hamlet City School Administrative Unit School District shall be elected by the qualified voters of the said school district at the same time and place, in the same manner, and under the same regulations as are the members of the Board of Commissioners for the Town of Hamlet. The registration of the voters of the Hamlet City School Administrative Unit School District shall be kept separate from the voters of the town and separate registration books shall be provided. The registrar and judges of election appointed to hold the town election shall likewise hold the election of the school trustees. The town board of commissioners may, from time to time, in its discretion, order a new registration of the voters of said district. A separate ballot shall be provided in the primary and general election for members of the said school board.

Registration of voters.

Provision for new registration of voters.

Separate ballot for members of board.

Notice of candidacy.

SEC. 2. To be eligible for membership on said board, a candidate, who shall be a qualified elector in said district, shall file notice of his or her candidacy with the Clerk of the Town of Hamlet in the same manner and fashion, and subject to the same laws as control the filing of notice of candidacy for the Board of Town Commissioners for the Town of Hamlet.

Election of successor members; terms.

SEC. 3. The successors to the present board of trustees shall be elected in the following manner: two trustees for a term of two years next following the election in 1951; two trustees for a term of four years next following the election in 1951; one trustee for a term of six years next following the election in 1951. The candidate in said election in 1951 shall stipulate the length of the term for which they file.

SEC. 4. The successors to the trustees elected in said election of 1951, at the expiration of the term of each class, shall thereafter be elected for six-year terms.

Vacancy appointments.

SEC. 5. Vacancies on the Board of Trustees for the Hamlet City School Administrative Unit School District shall be filled by said board of trustees for the remainder of the unexpired term.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 87 **CHAPTER 901**

AN ACT TO ESTABLISH A LAW LIBRARY FOR THE PUBLIC OFFICIALS AND COURTS IN CHEROKEE COUNTY.

Preamble: Cherokee County, room set apart in court house for law library.

WHEREAS, in the Courthouse of Cherokee County there has been set apart a room for a law library in accordance with the original designs for said courthouse; and

Library deemed necessity.

WHEREAS, a law library is deemed a necessity for the use of the officials of Cherokee County and of the courts held in said county; and

Desire to provide proper equipment, books, etc.

WHEREAS, it is desired to provide for the proper equipment, books and records necessary and requisite and for the proper support and maintenance of said library: *Now, therefore,*

The General Assembly of North Carolina do enact:

Cherokee County law library, custodian of books, supplies, etc.

SECTION 1. That the Chairman of the Board of County Commissioners, the Clerk of the Superior Court, and the President of the Bar Association of Cherokee County and their successors in office, be, and they are hereby, constituted the custodian of all books, supplies, equipment and furniture of the law library which shall be kept and maintained for the County of Cherokee and the use of the officials of said county and the courts held therein.

Books, etc., property of county.

Additions to library.

SEC. 2. All books, equipment, supplies and furniture of said library shall be the property of the County of Cherokee, and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts.

Librarian; duties, etc.

SEC. 3. The Clerk of the Superior Court of Cherokee County shall be, and he is hereby, constituted to act as librarian of said library without compensation. It shall be the duty of said librarian to keep said library room open during such hours as may be fixed by the custodian hereinbefore provided for, and shall obey all rules and regulations which may be prescribed for the government and management of the said library.

Provision for maintenance and support of library.

SEC. 4. In order to provide a fund for the extension, maintenance and support of the said library the sum of one dollar ($1.00) shall be taxed as costs and collected by the Clerk of the Superior Court in each and every case tried and disposed of in the Superior Courts of Cherokee County after the ratification of this Act, except in cases in which said county is adjudged to pay all costs, and shall be set apart in a fund to be known and designated as a library fund, and said fund shall be deposited by the Clerk of the Superior Court in a bank designated for

Library fund.

that purpose, and shall be used solely for the purpose of the extension, maintenance and operation of the said library.

Supplemental funds.

SEC. 5. That it shall also be the duty of the Mayors of the Town of Murphy and the Town of Andrews, in said county, to collect from the defendant in each and every case finally disposed of in their respective courts the sum of one dollar ($1.00), which amount shall be immediately paid over to the Clerk of the Superior Court of Cherokee County to supplement the aforesaid library fund, and which shall be expended in the way and manner provided in this Act.

Disbursement of funds for purchase of books.

SEC. 6. That from the funds so collected from time to time as provided in Sections 4 and 5 of this Act it shall be the duty of the Clerk of the Superior Court of Cherokee County to purchase and pay for such volumes and sets of books as shall be recommended and agreed upon from time to time by the Chairman of the Board of Commissioners of Cherokee County, the Clerk of the Superior Court of said county, and a committee to be appointed annually by the Cherokee County Bar Association. All checks on said account shall be drawn and signed by the Clerk of the Superior Court of Cherokee County, and it shall be the duty of the said clerk to keep a correct account of all receipts and disbursements in connection with said library fund.

Record of receipts and disbursements in connection with library fund.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict herewith regarding the disposition of costs received by the office of the Clerk of the Superior Court of Cherokee County are hereby repealed.

SEC. 8. That this Act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1029 CHAPTER 902

AN ACT TO PROVIDE FOR THE POLLS TO REMAIN OPEN ONE HOUR AFTER SUNSET IN BOLTON PRECINCT, COLUMBUS COUNTY, SO AS TO PERMIT SEVENTH DAY ADVENTISTS TO EXERCISE THEIR RIGHT TO VOTE IN PRIMARY ELECTIONS. (AND BANNER ELK TOWNSHIP, AVERY COUNTY.)

The General Assembly of North Carolina do enact:

Columbus and Avery Counties.

Provision for voting by Seventh Day Adventists in Bolton Precinct, and Banner Elk Township.

SECTION 1. In Bolton Precinct, Columbus County, and Banner Elk Township, Avery County, North Carolina, in all primary elections, the polls shall remain open for a period of one hour after sunset in said precinct(s), in order to permit Seventh Day Adventists who live in said precinct(s) to vote. No persons

other than Seventh Day Adventists shall be permitted to vote in said primary elections during the period of time herein provided for.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1044 CHAPTER 903

AN ACT RELATING TO THE COSTS IN THE COUNTY RECORDER'S COURT OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The following costs and fees shall be charged in the trial of each case tried in the County Recorder's Court of Scotland County: Scotland County, costs and fees in Recorder's Court.

For all services performed by the Clerk of the Superior Court of Scotland County in each case tried in the County Recorder's Court of Scotland County, the sum of two dollars and fifty cents ($2.50). Services of Clerk Superior Court.

For all services performed by the trial justices of said court in each case, the sum of two dollars and fifty cents ($2.50). Trial justice.

For all services performed by the prosecuting attorney of said court in each case, the sum of two dollars and fifty cents ($2.50). Prosecuting attorney.

SEC. 2. Said costs and fees shall be in addition to the State tax levied by statute. Costs and fees in addition to State Tax.

SEC. 3. Said costs and fees shall be placed in the General Fund of the Treasury of Scotland County. Costs and fees placed in general fund.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1094 **CHAPTER 904**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JOHNSTON COUNTY TO HAVE AN AUDIT MADE OF THE FISCAL AFFAIRS OF SAID COUNTY.

Preamble: Request for audit of certain officials, Johnston County.

WHEREAS, it has been publicly suggested and discussed that there should be an audit of the Board of Education of Johnston County, despite the fact that its affairs have been audited every year, and it has likewise been publicly suggested that there has been no complete accounting to the public by the Treasurer and Auditor of Johnston County indicating the status of the fiscal affairs of the county; and that there have been rumors and speculations of irregularities, diversions and replacements and improper methods in the handling of said fiscal matters; and

Joint control of school funds and general funds.

WHEREAS, both the School Funds and the General Funds of Johnston County are under the joint control of the county auditor and county treasurer; and

Necessity for general audit.

WHEREAS, an audit of the board of education would be incomplete without an audit of the handling of all funds by the said treasurer and auditor; and

Best interest of county promoted by impartial audit.

WHEREAS, in view of the political effect of such rumors and such public discussion and speculation, intentional or otherwise, it is desirable and in the best interest of the people of Johnston County that a full and impartial audit and accounting be had: *Now, therefore,*

The General Assembly of North Carolina do enact:

Johnston County Board of Commissioners authorized to have complete audit of fiscal affairs.

SECTION 1. The Board of Commissioners for the County of Johnston, hereinafter referred to as the governing body, is hereby directed and empowered to have a full, impartial and complete audit, investigation, study of procedures and practices of all the fiscal affairs and accounts of the Treasurer and Auditor of Johnston County and the Board of Education of Johnston County and the audit shall cover all State school funds, county and city administrative units and district school funds and Federal school funds, and special funds of individual schools, collected or expended in Johnston County, and any other department of the government of Johnston County which, in the judgment of the governing body, is necessary: *Provided,* that any audit made under the provisions of this Act shall include the board of education and the county treasurer and county auditor.

Period covered by audit.

SEC. 2. Any audit made hereunder shall cover at least five fiscal years, one of which shall be the fiscal year ending June 30, 1938, and may cover any additional year or years which shall be deemed desirable by said governing body, and the costs of any audit made hereunder shall be provided for in the general county budget.

SEC. 3. Any audit made hereunder shall be made by a competent and impartial firm of certified public accountants, employed by said governing body for the purpose, who have never previously, as a firm or individually, audited any department of the government of Johnston County or have previously been employed for any purpose by any member of the Governing Body or any member of the Board of Education of Johnston County, or any official of Johnston County, and said accountants shall be required to begin such audit on or before May 1, 1949, and complete the same not later than December 1, 1949.

Qualifications of accountants conducting audit.

SEC. 4. The governing body shall cause the results of said audit to be published in the newspapers of Johnston County not later than January 15, 1950.

Publication of results of audit.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1125 **CHAPTER 905**

AN ACT TO PROVIDE FOR INCREASED PAY FOR REGISTRARS, POLL HOLDERS AND JUDGES OF ELECTION OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Registrars of Election of Durham County shall receive eight dollars ($8.00) per day for the days they actually serve at the voting places in their respective precincts, or in canvassing the election returns, and in addition thereto the respective registrars shall receive five cents (.05c) for each new name placed upon their respective registration books. The judges of election and poll holders shall be paid seven dollars ($7.00) per day for each day they actually serve in their respective capacities at the polls.

Durham County, compensation of registrars of election.

Compensation of judges of election and poll holders.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1140 CHAPTER 906

AN ACT TO AMEND G. S. 2-50 WITH REFERENCE TO UNCLAIMED FEES OF JURORS AND WITNESSES PAID TO THE GENERAL FUND OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

G. S. 2-50, amended.

SECTION 1. G. S. 2-50 is hereby amended by adding the following paragraph at the end thereof:

Chatham County, unclaimed witness fees paid into general fund.

"In Chatham County whenever the annual county audit of the Clerk of the Superior Court's office shall show that witness fees have remained in the hands of said clerk for twelve months or more, the same shall be turned over to the county general fund for the use of the General Fund of Chatham County, and the county commissioners may pay any claim for witness fees received from the Clerk of the Superior Court, provided the person entitled thereto presents his claim therefor within two years from the time the funds are received by Chatham County from the Clerk of the Superior Court."

Limitation on time for presenting claim.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1141 CHAPTER 907

AN ACT TO FIX CERTAIN FEES OF JUSTICES OF THE PEACE IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Chatham County, fees of Justices of the Peace.

SECTION 1. On and after the first of the month following the ratification of this Act, the fees to be charged by Justices of the Peace in Chatham County shall be as hereinafter set out: *Provided,* that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county:

Subpoena for each witness	$ .25
Affidavit	Each .50
Judgment Uncontested	Each 1.00
Judgment Contested	Each 2.00

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1178 CHAPTER 908

AN ACT TO AMEND HOUSE BILL NO. 437 RELATING TO THE SALARIES OF COUNTY OFFICIALS OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of House Bill No. 437 is hereby amended by striking out all of Section 2 of said Act and inserting in lieu thereof the following: Ch. 431, Session Laws, 1949, amended.

"SEC. 2. The Register of Deeds of McDowell County shall receive as his or her sole compensation, and in lieu of all fees, a salary to be fixed by the Board of County Commissioners of McDowell County in its discretion, in an amount not less than twenty-five hundred dollars ($2,500.00) nor more than three thousand dollars ($3,000.00) per year, payable in equal monthly installments out of the general fund of the county, which salary shall be in full payment for all services rendered by such officer as register of deeds, ex-officio county treasurer, or clerk to the board of county commissioners, and for all other services which are now or may hereafter be imposed upon the register of deeds by statute or by virtue of his office. McDowell County, salary of Register of Deeds.

"It shall be the duty of the board of county commissioners to fix said salary at its regular meeting the first Monday in July of each year, but said board may increase or diminish said salary within the limitations hereinbefore set forth, at any time during the fiscal year for which the same is fixed." Authority of county commissioners to increase or diminish salary.

SEC. 2. Section 4 of said House Bill No. 437 is hereby amended by striking out all of said Section and inserting in lieu thereof the following:

"SEC. 4. The board of county commissioners of said county shall have the authority, and it shall be its duty, to grant and provide for clerical assistance to the register of deeds of said county in the execution of the duties imposed upon him or her by law. The assistant or deputy register of deeds shall be appointed by said board and shall be paid an amount to be fixed by said board in its discretion of not less than one hundred dollars ($100.00) nor more than one hundred seventy-five dollars ($175.00) per month, payable monthly out of the general county fund. Clerical assistance to register of deeds. Compensation.

Clerical assistance to Clerk Superior Court.

"The board of county commissioners of said county shall have the authority, and it shall be its duty, to grant and provide for clerical assistance to the Clerk of Superior Court of said county, in the execution of the duties imposed upon him by law, and shall pay such assistant or Deputy Clerk of Superior Court a salary to be fixed by said board in its discretion of not less than one hundred dollars ($100.00) nor more than one hundred seventy-five dollars ($175.00) per month, in the aggregate, payable monthly out of the general county fund."

Compensation.

Chapter further amended as to effective date.

SEC. 3. Section 8 of said House Bill No. 437 is hereby amended by striking out all of said Section and inserting in lieu thereof the following:

"SEC. 8. This Act shall become effective from and after the date of ratification of an Act of the General Assembly of North Carolina of 1949, entitled "An Act to Amend House Bill No. 437 Relating to the Salaries of County Officials of McDowell County"."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1210 CHAPTER 909

AN ACT TO AMEND CHAPTER 515 OF THE PUBLIC-LOCAL LAWS OF 1919 RELATING TO THE FEES OF CERTAIN OFFICERS AND COURT OFFICIALS OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Ch. 515, Public-Local Laws, 1919, amended.

SECTION 1. Section 1 of Chapter 515 of the Public-Local Laws of 1919 be, and is hereby amended to read as follows:

Rowan County, schedule of fees and expenses of Sheriff, Deputy Sheriffs and Constables.

"SECTION 1. That the Sheriff, Deputy Sheriffs and Constables of Rowan County shall be allowed the following fees and expenses, namely:

Executing summons or Sci Fa from Superior Court, one dollar ($1.00);

For arrest, one dollar and fifty cents ($1.50) in criminal actions;

Imprisonment of any person in a civil or criminal action, fifty cents (50c);

Executing a subpoena on a witness, fifty cents (50c);

Rowan County, fees and expenses of Sheriff, etc. (cont'd).

Conveying a prisoner to jail to another county, ten cents (10c) per mile.

Expenses of officer in conveying prisoner to jail, or from one jail to another for any purpose, or to any place of punishment, or to appear before a court of justice of the peace in another county, or in going to another county for a prisoner, to be taxed in the bill of costs and allowed by the board of commissioners of the county in which the criminal proceedings were instituted.

In claim and delivery for serving the original papers in each case, two dollars ($2.00), and for taking the property claimed, two dollars ($2.00), with the actual cost of keeping the same until discharged by law, to be paid on affidavit of the returning officer.

Providing prisoners in county jail with suitable beds, bed clothing or clothing and fuel, and keeping the prison and grounds clean, whatever sum shall be allowed by the commissioners of the county.

Collecting executions for money in civil actions, three per cent (3%) on the amount collected; advertising sale of the property under execution at each public place required, twenty-five cents (25c).

The actual expense of keeping all property seized under process or order of court to be allowed by the court on the affidavit of the officer in charge.

Summoning a grand or petit jury, or special venire for each man summoned, fifty cents (50c); all fees paid to any printer for any advertisement required by law to be printed.

For summoning and qualifying appraisers, and for performing all duties in laying off homestead and personal property exemption, or either, three dollars and fifty cents ($3.50), to be included in the bill of costs.

Executing a deed for land or any interest in land sold under execution, one dollar and fifty cents ($1.50), to be paid by the purchaser.

Service of writ of ejectment from Superior Court, two dollars ($2.00).

For every execution, either in civil or criminal cases, two dollars ($2.00) where levy is made or person arrested; for serving garnishee notices, one dollar ($1.00)."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1216 CHAPTER 910

AN ACT TO AMEND G. S. 152-5 IN RESPECT TO CORONER'S FEES IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

G. S. 152-5, amended.

SECTION 1. G. S. 152-5, as amended, is hereby further amended by adding at the end thereof the following:

Buncombe County, fees of Coroners.

"Fees of Coroners in Buncombe County shall be as follows:

(1) For each investigation of a death or deaths, seven dollars and fifty cents ($7.50); and for each additional day necessarily devoted to such investigation, an additional seven dollars and fifty cents ($7.50).

(2) For each inquest, ten dollars ($10.00).

(3) For each autopsy, twenty dollars ($20.00); *provided,* if the services of a physician other than the coroner are required, such physician shall receive fifteen dollars ($15.00) of such twenty dollar ($20.00) fee.

(4) For empanelling coroner's jury, two dollars and fifty cents ($2.50)."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1217 CHAPTER 911

AN ACT FIXING THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Cleveland County, compensation of chairman and members of Board of County Commissioners.

SECTION 1. The Chairman of the Board of County Commissioners of Cleveland County shall receive an annual salary of four hundred dollars ($400.00), payable in twelve equal monthly installments, and each other member of the board of county commissioners shall receive an annual salary of three hundred dollars ($300.00), payable in twelve equal monthly installments, such salaries of the chairman and the other members of the board being in full and sole compensation for their respective services, and in lieu of all other compensation or allowances.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1220 CHAPTER 912

AN ACT TO FIX THE SALARIES OF CERTAIN COUNTY OFFICIALS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Effective 1 July 1949, the following officials of Mecklenburg County shall receive the following compensation: Chairman of the Board of County Commissioners, seven thousand dollars ($7,000.00) per annum; Clerk Superior Court, sixty-seven hundred fifty dollars ($6750.00) per annum; Register of Deeds, sixty-one hundred dollars ($6100.00) per annum; Sheriff, six thousand dollars ($6,000.00) per annum; Treasurer, five thousand dollars ($5,000.00) per annum; Auditor, thirty-three hundred dollars ($3300.00) per annum. Mecklenburg County, compensation of certain county officials.

SEC. 2. Effective 1 July 1949, the Board of County Commissioners of Mecklenburg County is authorized to fix the salary of the tax collector of said county in an amount not to exceed five thousand dollars ($5,000.00) per annum. Salary of tax collector.

SEC. 3. Effective 1 July 1949, the Board of County Commissioners of Mecklenburg County is authorized to fix the salary of the tax supervisor of said county in an amount not to exceed fifty-five hundred dollars ($5500.00) per annum. Salary of tax supervisor.

SEC. 4. The salaries provided for in this Act shall be paid to those officials entitled thereto in twelve equal monthly installments out of the General Fund of Mecklenburg County. Payment of salaries herein from general fund.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1221 **CHAPTER 913**

AN ACT TO AMEND HOUSE BILL NO. 969 RELATING TO FEES OF JUSTICES OF THE PEACE IN CIVIL CASES IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 619, Session Laws, 1949, amended.

Robeson County, fees of Justices of the Peace in civil cases.

SECTION 1. House Bill No. 969, enacted by the General Assembly of 1949, relating to fees of justices of the peace in civil cases in Robeson County, is hereby amended by striking out all of the bill of cost as set forth in Section 1 thereof and by inserting in lieu thereof the following:

Bill of Cost:

Summons	$ .50
Plaintiff's Undertaking	.50
Defendant's Undertaking	.50
Order of Removal	.50
Subpoena, each witness	.10
Judgment contested	1.00
Judgment not contested	1.00
Transcription of judgment	.50
Execution of judgment	1.00
Return on appeal	1.00
Jury trial and entering verdict	2.00
Issuing claim and delivery papers and trial	2.00
Subpoenas, each	.10
Issuing attachment papers and trial and order to seize property	2.00
Performing marriage ceremonies in office	2.00
Continuance	.50
Probate of deeds, chattel mortgages or deeds of trust for signature thereof	.25
Hearing petitions for widow's yearly allowance	2.00
Taking deposition for each copy sheet for 100 words	.10
Garnisheeing for taxes	.50
Filing and docketing labor's lien	.50

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. B. 1222 **CHAPTER 914**

AN ACT TO REPEAL HOUSE BILL NO. 1050, RATIFIED THE 4TH OF APRIL, 1949, AND TO FIX THE FEES OF JURORS IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. House Bill No. 1050, ratified on the 4th of April, 1949, relating to the pay of jurors in Bertie County, is repealed. Ch. 802, Session Laws, 1949, repealed.

SEC. 2. G. S. 9-5, as it appears in the 1947 Supplement to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows: G. S. 9-5, amended.

"In Bertie County, all jurors in the Superior Court and inferior courts shall receive such an amount per day as the board of commissioners of said county may fix, not less than five dollars ($5.00) per day nor more than eight dollars ($8.00) per day. In addition to the compensation herein fixed, all jurors in Bertie County shall receive a travel allowance of five cents (5c) per mile while coming to the county seat and returning home, the distance to be computed by the usual route of public travel; *provided*, that this allowance shall be paid on the basis of one round trip per day for each day in which attendance is required." Bertie County, fees of jurors. Travel allowance.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

S. B. 10 **CHAPTER 915**

AN ACT TO AMEND G. S. 9-5, RELATING TO FEES OF JURORS.

The General Assembly of North Carolina do enact:

SECTION 1. The first paragraph of G. S. 9-5, as it appears in the 1947 Cumulative Supplement to the General Statutes is hereby amended to read as follows: G. S. 9-5, amended.

"All jurors in the Superior Court, shall receive such amount per day as the board of commissioners of their respective counties shall fix, not less than ($3.00) three dollars per day and not more than ($6.00) six dollars per day; *provided*, that the said commissioners of the respective counties may establish different rates of compensation for different classes of said Superior Court jurors within the limitations set out above." Fees of jurors in Superior Court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 93 **CHAPTER 916**

AN ACT TO AMEND ARTICLE 9 OF CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO REGISTRATION OF VOTERS.

The General Assembly of North Carolina do enact:

G. S. 163-43, rewritten.

SECTION 1. That Section 163-43 of the General Statutes of North Carolina be repealed and that the following be substituted therefor:

State-wide revision of registration books and relisting of voters in one general registration book.

SECTION 163-43. State-wide Revision of Registration Books and Relisting of Voters in One General Registration Book. Prior to the next State-wide primary election of 1950 there shall be a revision made of the registration books and a relisting of the registered voters into one new general registration book for each and every precinct in the State in the manner hereinafter provided. The State Board of Elections shall, as soon as possible after the passage of this Act, meet and adopt a new form of a general registration book to be substituted for the separate party primary registration books and the general election registration book now used in each voting precinct in this State, which new general registration book shall be the only kind of registration book to be used hereafter in each precinct in all primaries and general elections held in this State: *Provided,* the State Board of Elections may authorize any county board of elections, at the request of any county board and at such county's expense, to use a modern loose-leaf registration book system in the larger precincts instead of the new registration book to be furnished by the State. The new general registration book shall be so prepared as to contain all of the information pertaining to a registered voter now required by law, except the new registration book shall also contain a column or space to enter the party affiliation of each registered voter. The new registration book shall also have printed on each page thereof a column index giving the first two letters of the surnames and the pages where such voters are registered so that a registrar can turn immediately to the page where a voter is registered and find the name.

Adoption of new form of general registration book.

New book to be used in primaries and general elections.

Provision for use of loose-leaf books in larger precincts.

Form of new book.

Printing or purchase of books.

The State Board of Elections shall, through the State Department of Purchase and Contract, order the printing or purchase of a sufficient number of the said new general registration books to furnish one for each voting precinct in the State, the cost of which shall be paid for by the State out of the Contingency and Emergency Fund.

Payment of cost.

G. S. 163-44, rewritten.

SEC. 2. That Section 163-44 of the General Statutes of North Carolina be repealed and the following be substituted therefor:

State Board of Elections to distribute new books and instruct county election officials.

SECTION 163-44. State Board of Elections to Distribute New Registration Books and Instruct County Election Officials. As soon as the new general registration books have been printed the State Board of Elections shall furnish to the chairman of each county board of elections in this State a sufficient number of the new registration books to supply one for each voting precinct in each county. These books shall be distributed to the county election chairmen in time for the names from the old primary and general election registration books to be transcribed to the new book prior to the 1950 registration period. The State Board of Elections shall also furnish written instructions to each county election chairman and to the various registrars as to their duties with respect to the use of the new general registration book system.

G. S. 163-45, rewritten.

SEC. 3. That Section 163-45 of the General Statutes of North Carolina be repealed and the following be substituted therefor:

County Election Board Chairman to deliver new registration books to registrars and instruct them on its use.

SECTION 163-45. County Election Board Chairman to Deliver New Registration Books to Registrars and Instruct Them on Its Use. After the receipt of the new registration books by a chairman of a county election board from the State Board of Elections, the chairman shall call a meeting of all of the registrars in his county for the purpose of delivering said new books to his registrars and instructing the registrars as to their duties relative thereto. Each registrar shall be entitled to be paid compensation and travel expense by the county for attending this meeting.

G. S. 163-46, rewritten.

SEC. 4. That Section 163-46 of the General Statutes of North Carolina be repealed and the following be substituted therefor:

How new registration book to be used by registrar.

Transcription of names of persons registered in party primary and general election books.

Designation of political party affiliation.

SECTION 163-46. How New General Registration Book is to be Used by Registrar. It shall be the duty of each registrar, after receiving his new general registration book from the chairman, to transcribe to the new general registration book in alphabetical order the names of all persons who are registered in the present party primary and general election registration books and shall indicate opposite the name of each registrant, in the column showing party affiliation, the political party affiliation of each such registrant as shown on the present party primary registration book, in which such person is now registered. In those cases where a person is now registered in the general election regis-

tration book and is not registered in a party primary registration book, no party affiliation will be placed opposite the name of such person when transcribed on the new book, but such person will not be permitted to vote in any party primary held thereafter unless or until such person declares his party affiliation to the registrar on the day of a party primary or registration period, and then only in the primary of such political party with which such person so declares his or her party affiliation and requests the registrar to record that party affiliation opposite his or her name on the new registration book.

Applicants for new registration to state party affiliation.

Applicant unable to vote in party primary upon refusal to designate party affiliation.

Registration of independents.

It shall likewise be the duty of a registrar, when any person applies for new registration during the regular registration periods held hereafter prior to any primary or general election, to request the applicant to state his or her political party affiliation and record that party affiliation on the new book opposite the name. If such applicant refuses to declare his or her party affiliation upon request, then the registrar shall register such applicant's name, if found qualified to register, on the new registration book without indicating any party affiliation opposite the name, but the registrar shall then advise such person that he or she cannot vote in any party primary election but only in a general election held thereafter. If such applicant for registration states to the registrar that he or she is an independent, indicating affiliation with no political party, the registrar shall register such applicant as an independent, if found qualified to register, and shall likewise advise such person that he or she cannot vote in any party primary election held thereafter as he or she does not affiliate with any political party.

Regulations as to transcription of names.

In transcribing the names of registrants from the old books to the new general registration book, the registrar shall not transcribe the names of any persons known to the registrar to be dead, or who have moved their permanent residence to another precinct, county or State; however, if any person whose name has been so removed from the books because of removal of residence should appear at the same polling place on election day and satisfy the registrar that he or she is entitled under the law to vote in that precinct, the registrar shall put such person's name back on the new book on election day and be permitted to vote there.

Employment of clerks or assistants to transcribe names authorized.

In lieu of a registrar transcribing the names of registrants from the old to the new general registration book, the county board of elections, in its discretion, may employ such clerks or assistants as it may desire to do the work.

Compensation of persons making transcription.

Each registrar, or other persons, who transcribes the names of registrants from the old books to the new registration book shall be paid such compensation for same as the county board of commissioners may fix as proper.

SEC. 5. That Section 163-47 of the General Statutes of North Carolina be repealed and the following be substituted therefor: G. S. 163-47, rewritten.

SECTION 163-47. New Registration in Discretion of County Board of Elections. In lieu of the procedure prescribed in this Act for the transcription of registrants from the present registration books to the new general registration book, any county board of elections may, in its discretion, order a new registration of the voters in any county or precincts, but in any new registration only the new general registration book shall be used in each precinct, and the party affiliation of the new registrants indicated thereon. New registration in discretion of County Board of Elections.

SEC. 6. That Section 163-48 of the General Statutes of North Carolina be repealed and the following be substituted therefor: G. S. 163-48, rewritten.

SECTION 163-48. Registration and Poll Books to be Returned to Chairman of County Election Board. On the day of the county canvass of votes after a primary or an election, each registrar shall return the registration book and the poll book for his precinct to the chairman of the county board of elections. The registrars shall be responsible for the safekeeping of the registration and poll books while in their custody. Registration and poll books to be returned to Chairman of County Election Board.

SEC. 7. That Section 163-49 of the General Statutes of North Carolina be repealed and the following be substituted therefor: G. S. 163-49, rewritten.

SECTION 163-49. Chairman County Board of Elections to Keep Registration Books. When not in use for a primary or an election, all of the registration books and poll books shall be in the custody and safekeeping of the chairman of the county board of elections. It shall be his duty to keep these books in a safe and secure place where they may not be tampered with, stolen or destroyed, and, if possible, they shall be kept in a fireproof vault. The chairman may, in his discretion, permit these books while in his custody to be inspected or copied, but only under his supervision. Chairman County Board of Elections to keep registration books.

SEC. 8. That Section 163-50 of the General Statutes of North Carolina be amended by striking out from the second sentence thereof the words "on the party primary books" and substitute therefor the words "on the general registration books"; and by striking out from the last paragraph thereof the words "on the primary registration books" and substitute therefor the words "on the general registration book". G. S. 163-50, change of party affiliation, amended.

SEC. 9. That Section 163-51 of the General Statutes of North Carolina be amended by adding after the words "Chairman of a County Board of Elections" in the first line of the first paragraph the words "or any registrar"; and amending this Section further by striking out all of the last paragraph thereof. G. S. 163-51, wilful violations made misdemeanor, amended.

SEC. 10. This Act shall be in full force and effect from and after its ratification. Effective date.

Conflicting laws repealed.

SEC. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 125 CHAPTER 917

AN ACT TO AMEND G. S. 55-48 RELATING TO DIRECTORS OF CORPORATIONS.

The General Assembly of North Carolina do enact:

G. S. 55-48, requiring directors of corporation to be stockholders, amended.

SECTION 1. G. S. 55-48 is hereby amended by rewriting the first sentence of said Section to read as follows: "The business of every corporation shall be managed by its directors who must be at least three in number but such directors need not be stockholders in the corporation unless the articles of incorporation or the bylaws so provide."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 270 CHAPTER 918

AN ACT TO AMEND G. S. SECTIONS 115-189, 115-191, 115-192, 115-193, 115-196, 115-198, 115-361 TO HARMONIZE SAID SECTIONS WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. 115-189, amended as to election on special school district tax.

SECTION 1. That G. S. 115-189 is hereby amended by striking out in the first sentence of said Section the words "majority of the qualified voters in the district or unit referred to above" and by inserting in lieu thereof the words "majority of those who shall vote thereon."

G. S. 115-191, frequency of election, amended.

SEC. 2. That G. S. 115-191 is hereby amended by striking out in the second line thereof the words "majority of the qualified voters of" and by inserting in lieu thereof the words "majority of those who shall vote thereon in."

G. S. 115-192, amended as to election on enlargement of school tax district.

SEC. 3. That G. S. 115-192 is hereby amended by striking out the words commencing in line 14 "If a majority of the qualified voters" and by inserting in lieu thereof the words "If a majority of those who shall vote thereon."

That G. S. 115-192 be further amended by striking out the words commencing in line 22 "In case a majority of the qualified voters" and by inserting in lieu thereof the words "In case a majority of those who shall vote thereon." G. S. 115-192, further amended.

SEC. 4. That G. S. 115-193 is hereby amended by striking out the words commencing in line 15 "majority of the qualified voters" and by inserting in lieu thereof the words "majority of those who shall vote thereon." G. S. 115-193, abolition of special school tax district, amended.

SEC. 5. That G. S. 115-196 is hereby amended by striking out the words commencing in line 25 "majority of the qualified voters of" and by inserting in lieu thereof the words "majority of those who shall vote thereon in." G. S. 115-196, amended as to election on enlargement of school tax district within incorporated city or town.

That G. S. 115-196 is further amended by striking out the words commencing in line 55 "If a majority of the qualified voters of" and by inserting in lieu thereof "If a majority of those who shall vote thereon in." G. S. 115-196, further amended.

SEC. 6. That G. S. 115-198 is hereby amended by striking out the words commencing in line 11 "If a majority of the qualified voters" and by inserting in lieu thereof the words "If a majority of those who shall vote thereon." G. S. 115-198, amended as to election on incorporation of district comprising area in two or more counties.

SEC. 7. That G. S. 115-361 is hereby amended by striking out the words commencing in line 46 "If a majority of the qualified voters" and by inserting in lieu thereof the words "If a majority of those who shall vote thereon." G. S. 115-361, amended as to election local school supplements.

That G. S. 115-361 is further amended by striking out the words in the last sentence thereof "In case a majority of the qualified voters" and by inserting in lieu thereof "In case a majority of those who shall vote thereon." G. S. 115-361, further amended.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 9. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 318 CHAPTER 919

AN ACT TRANSFERRING THE DUTIES AND RESPONSIBILITIES OF LEVYING AND COLLECTING TAXES IN THE CHAPEL HILL CITY ADMINISTRATIVE UNIT FROM THE GOVERNING BODY OF THE TOWN OF CHAPEL HILL TO THE BOARD OF COMMISSIONERS OF ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Chapel Hill City Administrative Unit, transfer of authority for levy and collection of school taxes.

SECTION 1. All of the powers, duties and responsibilities now imposed by law on the Governing Body of the Town of Chapel Hill to levy and collect school taxes in the Chapel Hill City Administrative Unit are transferred to and are vested in the Board of County Commissioners of Orange County.

Collection of unpaid 1948 taxes.

SEC. 2. The Governing Body of the Town of Chapel Hill shall collect all unpaid school taxes levied in said city administrative unit for the tax year 1948 and prior years and account for the same in the same manner and respect as prior to the passage of this Act. Beginning with the taxable year 1949 the Board of Commissioners of Orange County shall have the same power, duty and responsibility to levy and collect school taxes authorized in the Chapel Hill City Administrative Unit as are imposed upon and vested in the Governing Body of the Town of Chapel Hill prior to the passage of this Act and shall account for said taxes in the same manner and respect as heretofore required of the Governing Body of said Town of Chapel Hill.

Levy and collection of taxes by Orange County Board of Commissioners.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 337 CHAPTER 920

AN ACT TO AMEND SECTION 131-126.17 OF THE GENERAL STATUTES RELATING TO THE HOSPITAL LICENSING ACT.

The General Assembly of North Carolina do enact:

G. S. 131-126.1, relating to Hospital Licensing Act, amended.

SECTION 1. G. S. 131-126.1, as set out in Section 6 of Chapter 933 of the Session Laws of 1947, is hereby amended by rewriting Subsection (a) of said Section to read as follows:

"Hospital" defined.

"(a) 'Hospital' means an institution devoted primarily to the rendering of medical, surgical, obstetrical, or nursing care, which

maintains and operates facilities for the diagnosis, treatment or care of two or more nonrelated individuals suffering from illness, injury or deformity, or where obstetrical or other medical or nursing care is rendered over a period exceeding twenty-four hours.

"Hospital" further defined.

"The term, 'hospital,' for clarification purposes, includes, but not by way of limitation, an institution that receives patients and renders for them diagnostic, medical, surgical and nursing care; and 'hospital' means also an allied institution that provides for patients diagnostic, medical, surgical and nursing care in branches of medicine such as obstetric, pediatric, orthopedic, and eye, ear, nose, and throat and cardiac services, and in the diagnosis and treatment of mental and neurological ailments, and in the diagnosis and treatment and care of chronic diseases and transmissible diseases.

Exemptions from term "hospital."

"The term, 'hospital,' as used in this Act does not apply to a welfare institution, the primary purpose of which is to provide domiciliary and/or custodial care to its residents, and it does not apply to an infirmary which such institution may maintain to provide medical and nursing care for its residents.

"Hospital" as distinguished from "welfare institution."

"Further to distinguish a 'hospital' from a 'welfare institution,' as the term is used in this Act, the latter means orphanages; penal and correctional institutions; homes for the county or city poor, aged, and infirm; nursing homes for the mentally and physically infirm; homes for the aged; and convalescent and rest homes; and homes for pregnant women who require public assistance and/or custodial care or obstetrical and nursing care in such home, or nursing care prior to or subsequent to delivery in a 'hospital'."

G. S. 131-126.17, amended to exempt private hospitals for insane from provisions of Hospital Licensing Act.

SEC. 2. G. S. 131-126.17, as set out in Section 6 of Chapter 933 of the Session Laws of 1947, is hereby amended by striking out all of said Section immediately following the word "severable" in line 7 thereof, and inserting in lieu thereof the following:

"*Provided,* that the provisions of this Article shall not apply to Sections 122-72 through 122-75, inclusive, of the General Statutes, which give to the State Board of Public Welfare, in addition to other responsibilities, authority to license privately owned and operated hospitals for the mentally disordered."

G. S. 131-126.4, amended as to license fee.

SEC. 3. G. S. 131-126-4, as the same appears in Section 6 of Chapter 933 of the Session Laws of 1947, is hereby amended by striking out the last sentence thereof.

G. S. 131-126.5, amended as to issuance of license.

SEC. 4. G. S. 131-126.5, as the same appears in Section 6 of Chapter 933 of the Session Laws of 1947, is hereby amended by striking out the words "and the license fee" immediately following the words "for license" in line 2 thereof.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 354 **CHAPTER 921**

AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO ENTER INTO AGREEMENTS WITH THE HOLDERS OF WATER BONDS HEREAFTER ISSUED BY THE CITY, IN ORDER TO SECURE THE PAYMENT OF SUCH BONDS AND TO PROVIDE FOR THE REMEDIES OF SUCH BONDHOLDERS.

The General Assembly of North Carolina do enact:

City of Asheville, provisions authorized in resolution for issuance of water bonds.

SECTION 1. Any ordinance or resolution of the Council of the City of Asheville hereafter adopted authorizing or providing for the issuance of bonds of the City of Asheville pursuant to the Municipal Finance Act for the purpose of financing the construction, reconstruction, enlargement, extension, or equipment of the waterworks system of said city, or for any one or more of such purposes, or for the purpose of refunding debt incurred for any one or more of such purposes, may, in the discretion of said council, contain provisions, which shall be a part of the contract with the several holders of such bonds, as to:

Custody, etc., of bond proceeds.

(1) The custody, security, use, expenditure or application of the proceeds of the bonds;

Construction, etc., for which bonds issued.

(2) The construction and completion, or replacement, of the enlargement or extension for which the bonds are issued;

Use, regulation, etc., of waterworks system.

(3) The use, regulation, operation, maintenance, insurance or disposition of all or any part of such waterworks system, or restrictions on the exercise of the powers of the city council to dispose of, or to limit or regulate the use, of all or any part of such waterworks system;

Payment of principal or interest on bonds, etc.

(4) Payment of the principal or interest on the bonds, and the sources and methods thereof, the rank or priority of any such bonds as to any lien or security, or the acceleration of the maturity of any such bonds;

Use and disposition of revenues from waterworks system.

(5) The use and disposition of the revenues derived or to be derived from the operation of all or any part of such waterworks system, including any part of such waterworks system theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

(6) The pledging, setting aside, depositing or trusteeing of all or any part of the revenues of such waterworks system to secure the payment of the principal of or interest on the bonds, or the payment of expenses of operation or maintenance of such waterworks system; Pledging, etc., of revenues.

(7) The setting aside out of said revenues, reserves and sinking funds, and the source, custody, security, regulation and disposition thereof; Reserves and sinking funds.

(8) Determination of the definition of said revenues or of the expenses of operation and maintenance of such waterworks system; Definition of revenues, etc.

(9) The rents, rates, fees, or other charges for connection with or the use of the services of such waterworks system, including any parts thereof theretofore constructed or acquired, and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired, and the fixing, establishment, collection and enforcement of the same, the amount or amounts of revenues to be produced thereby, and the disposition and application of the amounts charged or collected; Charges for connection with or use of waterworks system.

(10) The assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of such waterworks system or any bonds or other obligations for the payment of which such revenues are or shall have been pledged; Assumption, etc., of claims relating to waterworks system.

(11) Limitations on the issuance of additional bonds or any other obligations or on the incurrence of indebtedness, payable from said revenues; Limitation on issuance of additional bonds, etc.

(12) Limitations on the powers of the city council to construct, acquire or operate, or permit the construction, acquisition or operation of, any plants, structures, facilities or properties which may compete or tend to compete with such waterworks system; Limitation on powers of city council to construct, etc., competitive facilities.

(13) Payment of costs or expenses incident to the enforcement of the bonds or of the provisions of any ordinance or resolution authorizing or providing for the bonds, or of any covenant or contract with the holders of the bonds; Payment of cost or expenses as to enforcement of bonds, etc.

(14) The procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of the bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given or evidenced; or Procedure for amendment or abrogation of contract with bondholder.

(15) Any other matter or course of conduct which, by recital in the ordinance or resolution authorizing or providing for the bonds, is declared to further secure the payment of the principal of or interest on the bonds. Other provisions to further secure payment of bonds.

Provisions to constitute legal contract between city and bondholders.

All such provisions of an ordinance or resolution authorizing or providing for the bonds and of such covenants and agreements shall constitute valid and legally binding contracts between the city and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit or proceeding at law or in equity in any court of competent jurisdiction; *provided, however,* that no such provision shall become effective without the approval of the Local Government Commission.

Approval of Local Government Commission.

Pledges of water revenues subject to prior pledge.

SEC. 2. Pledges of water revenues made pursuant to Section 1 of this Act to secure the payment of bonds hereafter issued shall be subject to the pledge of water revenues made by an ordinance adopted by the Council of the City of Asheville on May 21, 1936, to secure the payment of the Water Refunding Bonds of the City of Asheville now outstanding.

Construction of Act as to payment of bonds.

SEC. 3. Nothing in this Act shall be construed as authorizing the City of Asheville to make its bonds payable exclusively from water revenues. All bonds of the City of Asheville that shall be secured by a pledge of water revenues pursuant to this Act shall be general obligations of the city, and the full faith, credit, and taxing power of the city shall be pledged to their payment, as provided in the Municipal Finance Act; *provided, however,* that unless the city shall be in default in the payment of the principal of or interest on indebtedness incurred for its water system, a tax need not be levied in any fiscal year for the payment of the principal of or interest on bonds secured by a pledge of water revenues except to the extent that water revenues duly appropriated and actually available for such purposes in such fiscal year shall be insufficient for such purposes.

Tax levy in event of insufficient water revenues for payment of indebtedness.

Conflicting laws repealed.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed to the extent of such inconsistency.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 362 CHAPTER 922

AN ACT TO PROVIDE FOR A PENSION FOR W. N. HARRISS, A FORMER OFFICIAL AND EMPLOYEE OF NEW HANOVER COUNTY.

Preamble: New Hanover County, W. N. Harriss, former county employee and official.

WHEREAS, W. N. Harriss, originally became an officer and employee of the County of New Hanover in September, 1905, as a Deputy Clerk of the Superior Court of said county, and thereafter was elected to the office of Clerk of Superior Court of said county, and continued to serve as such to and until the first Monday in December, 1934, covering a period of more than twenty-nine (29) years; and

Harriss not an employee at time of enactment of retirement and pension system.

WHEREAS, the said W. N. Harriss was not at the time of the enactment of the present law providing for retirement and pension system for county employees an employee of said county, and was, therefore not eligible to receive a pension or benefits conferred by said Act; and

Purpose of this Act.

WHEREAS, with the view to providing the said W. N. Harriss with a monthly pension on account of his long years of public service and to authorize the Commissioners of New Hanover County to make an annual appropriation sufficient for said purpose, as hereinafter provided, and to make said pension payments in monthly installments in the amount and manner as hereinafter set forth; and

WHEREAS, the purpose of this Bill has been presented to the aforesaid Commissioners of New Hanover County and no objection thereto was raised; *Now, therefore,*

The General Assembly of North Carolina do enact:

New Hanover County, payment of monthly pension to W. N. Harris authorized.

SECTION 1. That the County Commissioners of New Hanover County are hereby authorized, empowered and directed to pay to W. N. Harriss for the remainder of his natural life, in recognition of his long years of service to New Hanover County, a monthly pension in the sum of $100.00, the first of said monthly installments to be paid on the first day of April, 1949, and a similar monthly installment to be paid on the first day of each succeeding month thereafter during the life of the said W. N. Harriss. The Commissioners of New Hanover County are hereby further authorized and directed to make the necessary appropriations and provisions for the aforesaid pension payments, and pay the same when due, as herein provided, from the general fund of said county.

Appropriation for pension payments.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 363 **CHAPTER 923**

AN ACT TO ALLOW COUNTIES PARTICIPATING IN THE OPERATION OF A REGIONAL LIBRARY TO VOLUNTARILY ELECT TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO THE EXTENT OF THE AMOUNT OF SALARIES PAID TO THE EMPLOYEES OF SUCH LIBRARY BY THE COUNTY.

The General Assembly of North Carolina do enact:

G. S. Ch. 128, amended.

G. S. 128-36.1, enacted.

Participation of employees of regional library in N. C. Local Government Employees' Retirement System.

SECTION 1. Chapter 128 of the General Statutes, as amended is hereby further amended by adding thereto a new Section, to be designated as Section 128-36.1, and to read as follows:

"SEC. 128-36.1. Under such rules and regulations as the board of trustees shall establish and promulgate, the boards of county commissioners of any group of counties operating a regional library may elect that employees of such library may be members of the North Carolina Local Governmental Employees' Retirement System to the extent of that part of their compensation paid by the various counties operating said regional library."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 371 **CHAPTER 924**

AN ACT TO AUTHORIZE AND EMPOWER THE GOVERNING BODY OF THE CITY OF DURHAM TO CONSTRUCT AND INSTALL, OR CONTRACT FOR THE CONSTRUCTION AND INSTALLATION, OF LOCAL IMPROVEMENTS ON ITS PUBLIC STREETS AND ALLEYS, AND TO SPECIALLY ASSESS SUCH PORTION OF THE COST THEREOF, EXCLUSIVE OF THAT INCURRED AT STREET INTERSECTIONS, AS IT MAY DETERMINE AGAINST PROPERTY ABUTTING UPON SUCH PUBLIC STREET OR ALLEY SO IMPROVED; AND PRESCRIBING THE PROCEDURE THEREFOR.

The General Assembly of North Carolina do enact:

City of Durham, improvement of public streets, etc., without petition of abutting property owners, authorized.

SECTION 1. Supplemental to and independent of the powers and authority heretofore granted by the General Assembly of North Carolina as contained in the General Statutes and as contained in Chapter 224, Private Laws, 1927, as amended by

Chapter 425 Session Laws, 1947, the Governing Body of the City of Durham is hereby authorized and empowered without the necessity of having a petition filed by the owners of abutting property, to construct and install or contract for the construction and installation of paving, repaving, macadamizing, and remacadamizing of any of the public streets and alleys, and the construction, reconstruction and altering of curbs, gutters, and drains in any of the public streets and alleys, and the construction and installation of sanitary sewers, water mains, and sanitary sewer and water laterals in any of such public streets and alleys, and specially assess the entire cost of such construction and installation, except such part thereof as is incurred at street intersections, against the property abutting upon the street or alley or streets or alleys which are so improved. The said governing body may specially assess less than the total cost against said abutting property if it should determine by resolution that it would be inequitable to specially assess the entire cost thereof; and in determining whether it would be inequitable, the governing body is authorized to take into consideration the location, width, use and general importance of such street or alley as it relates to the public welfare, safety, health, and convenience.

Assessment of costs of improvements.

Partial assessments.

SEC. 2. When it is proposed to make without petition any improvement or improvements described in Section 1 hereof, the governing body shall adopt a resolution which shall contain substantially the following:

Adoption of resolution relating to proposed improvements.

Contents.

(a) That this proceeding is taken under and will be governed by the provisions of this Act (stating the number of the Chapter and the Session at which passed by the General Assembly);

Authority for proceeding.

(b) A statement of the reasons proposed for the making thereof;

Reasons for improvements.

(c) A brief description of the proposed improvement or improvements;

Description thereof.

(d) The proportion of the cost of the improvement or improvements to be specially assessed and the terms of payment;

Method of payment.

(e) A notice of the time and place when and where a public hearing will be held on the proposed improvement or improvements. (The time fixed for such public hearing shall be such as to allow of notice being given thereof not less than ten days prior thereto);

Notice of public hearing on proposed improvements.

(f) A notice that all objections to the legality of the making of the proposed improvement or improvements shall be made in writing, signed in person or by attorney, and filed with the clerk of the municipality at or before the time of such hearing, and that any such objections not so made will be waived.

Notice as to filing of objections.

Publication of resolution.

The resolution shall be published one time in a newspaper published in the municipality, the date of publication to be not less than ten days prior to the date fixed for the hearing.

Procedure for making proposed improvements.

SEC. 3. In the event the said governing body elects to proceed under this Act to make local improvements and specially assess the cost thereof against abutting property without the filing of a petition therefor, as is authorized by this Act, and does adopt the resolution provided for in Section 2 of this Act, then and in such event the procedure applicable to such proceedings from that point to the final completion of the improvement, the final confirmation of the assessment roll, and the remedies available, shall be as particularly set forth and provided in Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, and 29, of Chapter 224 Private Laws 1927, as amended by Chapter 425 Session Laws, 1947; and said enumerated and designated Sections of said Chapter 224 Private Laws 1927, as amended by Chapter 425, Session Laws 1947, are hereby incorporated and adopted as a part of this Act as fully and to all intents and purposes as if set out word for word in this Act.

Designated sections of Ch. 224, Private Laws, 1927, incorporated as part of Act.

Resolution to specifically state authority for proceedings.

SEC. 4. When electing to make local improvements and specially assess the cost thereof upon abutting property, without petition therefor, as authorized by this Act, the governing body shall specially state in the resolution adopted as provided in Section 2 hereof that it is proceeding under and by virtue of the provisions of this Act.

Conflicting laws repealed.

SEC. 5. All laws in conflict herewith are hereby repealed.

Application of Act.

SEC. 6. This Act shall apply only to the City of Durham.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 385 CHAPTER 925

AN ACT AMENDING SECTION 159-42 OF THE GENERAL STATUTES RELATING TO THE SCOPE OF THE LOCAL GOVERNMENT ACT.

The General Assembly of North Carolina do enact:

G. S. 159-42, rewritten.

SECTION 1. G. S. 159-42, as amended, is hereby amended by rewriting said Section so that the same shall hereafter read as follows:

Local Government Act applicable to all units having power to levy ad valorem taxes.

"SEC. 159-42. Law Applicable to All Counties, Cities and Towns. The provisions of this Article shall apply to every unit having the power to levy taxes ad valorem, regardless of any

provisions to the contrary in any general, special or local Act enacted before the adjournment of the Regular Session of the General Assembly in 1949."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 391 **CHAPTER 926**

AN ACT TO AMEND CHAPTER 224, PRIVATE LAWS OF 1927, AND CHAPTER 197, PRIVATE LAWS OF 1929, CONFERRING POWER ON CERTAIN CITIES AND TOWNS TO MAKE CERTAIN LOCAL IMPROVEMENTS AND PROVIDING FOR THE ASSESSMENT OF ALL OR A PART OF THE COST THEREOF, BY ADDING THE CITY OF SALISBURY THERETO.

The General Assembly of North Carolina do enact:

Ch. 224, Private Laws, 1927, amended to confer on City of Salisbury power to make certain local improvements.

SECTION 1. That Chapter 224, Private Laws of 1927, be and the same is hereby amended by striking out the period at the end of Section 30 thereof, as amended, substituting a comma therefor, and adding after such comma the words "and Salisbury."

Ch. 197, Private Laws, 1929, amended to confer on City of Salisbury power to make certain street improvements.

SEC. 2. That Chapter 197, Private Laws of 1929, be and the same is hereby amended by striking out the period at the end of Section 61 thereof, as amended, substituting a comma therefor, and adding after such comma the words "and Salisbury."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 422 **CHAPTER 927**

AN ACT TO REMOVE FROM THE AUTHORITY, CONTROL AND SUPERVISION OF THE SHERIFF OF ANSON COUNTY ALL RURAL POLICE IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 451, Public-Local Laws, 1915, an Act to provide rural policemen for Anson County, amended.

Policemen removed from supervision of Sheriff.

SECTION 1. Section 4 of Chapter 451 of the Public-Local Laws of 1915 is hereby amended by striking out of line 9 the word "under" and by striking out of line 10 the words "the general control and direction of the sheriff of the county,"; said Section is further amended by striking out the semicolon following the word "complaint" in line 17 and by substituting in lieu thereof a period and by striking out all of the remainder of said Section beginning with the word "to" in line 17.

Authority of Sheriff to grant leaves of absence repealed.

Section 5 of Chapter 451 of the Public-Local Laws of 1915 is hereby amended by inserting a period after the word "absence" in line 7 of said Section, and by striking out the words "by the sheriff of the county." from line 7 of said Section.

Ch. 648, Public-Local Laws, 1927, amended, execution of civil process by rural policemen.

SEC. 2. Chapter 648 of the Public-Local Laws of 1927 is hereby amended by striking out all of Section 11 of said Chapter.

Ch. 427, Public-Local Laws, 1939, repealed.

SEC. 3. Chapter 427 of the Public-Local Laws of 1939 is hereby repealed.

Ch. 645, Session Laws, 1943, amended.

SEC. 4. Chapter 645 of the Session Laws of 1943 is hereby amended by adding a new Section immediately following Section 1 and immediately preceding Section 2 to be numbered Section 1½, and to read as follows:

Supervision of rural police.

"SEC. 1½. All powers of the Chief of Rural Police of Anson County, all powers of supervision of the Rural Police of Anson County and any authority to select Rural Police for Anson County now vested in the Sheriff of Anson County shall, from the date of the ratification of this Act, be no longer vested in said sheriff but shall be vested in the Board of Commissioners of Anson County or in whosoever said board may designate as the Chief of the Rural Police of Anson County."

Purpose of Act.

SEC. 5. It is the purpose of this Act to remove from the authority, control and supervision of the Sheriff of Anson County the rural police force of said county.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 589 CHAPTER 928

AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES, RELATING TO THE REMOVAL OR CONCEALING OF MANUFACTURER'S SERIAL NUMBER ON MACHINES AND APPARATUS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 14 of the General Statutes by adding thereto a new Section, to be designated as Section 14-416, and which said Section shall read as follows:

G. S. Ch. 14, amended.

G. S. 14-416, enacted.

"SECTION 14-416. Identifying marks on machines and apparatus.—Whoever removes, alters, defaces, covers, or destroys the manufacturer's serial number, or any other manufacturer's number or distinguishing number or identification mark, upon any machine or other apparatus, for the purpose of concealing or destroying the identity of any such machine or other apparatus, or takes in his possession any such machine or apparatus from which the manufacturer's serial number, or any other manufacturer's number or distinguishing number or identification mark, has been removed, altered, defaced, covered, or destroyed for the purpose of concealing or destroying the identity of such machine or other apparatus, knowing at the time of taking possession, of such removal, alteration, defacement, covering, or destruction and with the intent to defraud shall be guilty of a misdemeanor, and upon plea of guilty or conviction shall be punished in the discretion of the court: *Provided*, that this Section shall not be construed to apply to electric storage batteries."

Identifying marks on machines and apparatus.

Removal or defacing manufacturers serial number, etc., made misdemeanor.

Exemption.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 659 CHAPTER 929

AN ACT TO AMEND G. S. 55-73, RELATING TO CORPORATIONS WHICH MAY CREATE SHARES OF STOCK WITHOUT NOMINAL OR PAR VALUE.

The General Assembly of North Carolina do enact:

SECTION 1. That G. S. 55-73 be, and the same hereby is, amended by striking from line 16 the words "two-thirds" and substituting in lieu thereof the words "a majority."

G. S. 55-73, issuance of corporate stock without nominal or par value, amended.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Pending litigation unaffected.

SEC. 4. Nothing in this Act shall apply to pending litigation.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 718 CHAPTER 930

AN ACT TO REPEAL CHAPTER 892 OF THE SESSION LAWS OF 1947 ENTITLED, "AN ACT TO AID THE COUNTIES IN THE ASSESSMENT AND COLLECTION OF CERTAIN AD VALOREM TAXES".

The General Assembly of North Carolina do enact:

Ch. 892, Session Laws, 1947, amended.

G. S. 105-302.1, rewritten.

SECTION 1. Chapter 892 of the Session Laws of 1947 entitled, "An Act to Aid the Counties of the State in the Assessment and Collection of Certain Ad Valorem Taxes", which Act is codified in the General Statutes, 1947 Cumulative Supplement, as Section 105-302.1 is hereby rewritten to read as follows:

Listing of tangible personal property for taxation.

"At the time of listing tangible personal property, every person, firm or corporation engaged in business in more than one county in this State and maintaining in more than one county in this State goods, wares, merchandise and other taxable personal property shall, upon request of the tax supervisor of any county, furnish to the tax listing authorities of such county, in addition to any other inventory, list or report required by Article 18 of Section 105 of the General Statutes, a certificate, subscribed and sworn to by a duly authorized agent having knowledge of the facts, containing a list of the counties in which goods, wares, merchandise or other taxable personal property held in connection with such business is located and the true value of such taxable personal property in each such county and the total value of such taxable personal property owned in this State."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 771 **CHAPTER 931**

AN ACT TO PROHIBIT THE PRACTICE OF PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to practice palmistry, fortune telling or clairvoyance in Mecklenburg County. Any persons violating any provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Mecklenburg County, palmistry, fortune telling or clairvoyance prohibited.

Violations made misdemeanor.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 808 **CHAPTER 932**

AN ACT TO AMEND CHAPTER 163, SECTION 147, OF THE GENERAL STATUTES OF NORTH CAROLINA PERTAINING TO PRIMARY ELECTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the General Statutes of North Carolina, Chapter 163, Section 147, be and the same is hereby amended by adding after the word "Carolina" and before the word "to" in line 3 of said Section, the words "or two vacancies in the United States Senate from North Carolina".

G. S. 163-147, amended. Notice of candidacy to designate vacancy upon two vacancies for U. S. Senator.

SEC. 2. That this Act shall be in full force and effect from and after the date of ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 848 CHAPTER 933

AN ACT TO AMEND CHAPTER 160, ARTICLE 5, SECTION 56 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE FOR THE ADOPTION OF LICENSE AND PRIVILEGE TAX ORDINANCES OF ANY CITY BY REFERENCE.

The General Assembly of North Carolina do enact:

G. S. 160-56, municipal taxation, amended.

SECTION 1. That Chapter 160, Article 5, Section 56 of the General Statutes of North Carolina, authorizing municipalities to levy taxes, be, and the same hereby is, amended by striking out the period at the end of said Section, and inserting a colon in lieu thereof, and by adding thereafter the following:

Readoption of existing license and privilege tax ordinance by reference.

"*Provided, however*, the board of commissioners may re-adopt any existing ordinance or ordinances levying, assessing, imposing and defining the license and privilege taxes of any city by reference, without reading the same in detail, and by the reading of any amendments or additions thereto."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 854 CHAPTER 934

AN ACT TO AMEND G. S. 87-14 RELATING TO ISSUANCE OF BUILDING PERMITS.

The General Assembly of North Carolina do enact:

G. S. 87-14, regulations as to issuance by municipalities of building permits, amended.

SECTION 1. G. S. 87-14 is hereby amended by striking out the figures "10,000.00" in line 9 of said Section, and by substituting in lieu thereof the figures "15,000.00".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 864 **CHAPTER 935**

AN ACT TO AMEND CHAPTER 934 OF SESSION LAWS OF 1947 RELATING TO THE CREATION OF THE SCUPPERNONG DRAINAGE DISTRICT IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 934, Session Laws, 1947, amended to change name of drainage district, Washington County, to Upper Scuppernong Drainage District.

Description of boundaries amended.

SECTION 1. Section 1 of Chapter 934 of the Session Laws of 1947 is hereby amended by inserting the word "Upper" between the words "the" and "Scuppernong" in line 2 of said Section; said Section is further amended by striking out lines 5 and 6 of said Section and by striking out the word "Bridge" in line 7 and inserting in lieu thereof the words "Beginning at the head of the Moccasin Canal at Lake Phelps;" said Section is further amended by striking out the words "Northwesterly along the Lake Phelps" in line 7 and by striking out the word "Road" in line 8 and inserting in lieu thereof the words "Northeasterly parallel with said canal to its mouth, from thence 200 yards North of Hoyt Davenport's land"; said Section is further amended by striking out the figures "23,400" in line 10 and inserting in lieu thereof the figures "13,400"; said Section is further amended by striking out the words "to a" at the end of line 18 and by striking out lines 19, 20, 21 and 22, and by inserting in lieu thereof the words "back to"; said Section is further amended by striking out the figures "19,540" in line 23 and inserting in lieu thereof the figures "8,000".

SEC. 2. Section 2 of Chapter 934 of the Session Laws of 1947 is hereby amended by inserting the word "Upper" between the words "the" and "Scuppernong" in the next to the last line of said Section.

SEC. 3. Section 8 of Chapter 934 of the Session Laws of 1947 is hereby amended by inserting the word "Upper" between the words "the" and "Scuppernong" in line 4 of said Section.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 906 CHAPTER 936

AN ACT TO AMEND SECTION 1, CHAPTER 87, ARTICLE 1, OF THE GENERAL STATUTES OF NORTH CAROLINA, DEFINING A GENERAL CONTRACTOR.

The General Assembly of North Carolina do enact:

G. S. 87-1, contractors licensing Act, amended.

SECTION 1. That Section 1, Chapter 87, Article 1, of the General Statutes of North Carolina is hereby repealed and a new Section substituted in lieu thereof as follows:

"General contractor" defined.

For the purpose of this Act, a general contractor is defined as one who for a fixed price, commission, fee or wage, undertakes to bid upon or to construct any building, highway, sewer main, grading or any improvement or structure where the cost of the undertaking is fifteen thousand dollars ($15,000.00) or more and anyone who shall bid upon or engage in constructing any undertakings or improvements above mentioned in the State of North Carolina costing $15,000 or more shall be deemed and held to have engaged in the business of general contracting in the State of North Carolina.

Exemptions.

This Section shall not apply to persons or firms or corporations furnishing or erecting industrial equipment, power plant equipment, radial brick chimneys, and monuments.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 944 CHAPTER 937

AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Pamlico County, salaries of Clerk Superior Court and Register of Deeds.

SECTION 1. Effective April 1, 1949, the Clerk of the Superior Court and the Register of Deeds of Pamlico County shall each receive a salary of one hundred fifty dollars ($150.00) per month, payable out of the general fund of said county.

Further increase authorized, in discretion of County Commissioners.

SEC. 2. The Board of County Commissioners of Pamlico County is authorized, in its discretion, to increase the amount of compensation to the Clerk of the Superior Court and the register of deeds of said county, in addition to the salaries fixed in Section

1 of this Act, in an amount not to exceed the sum of twenty-five dollars ($25.00) per month for each of said offices.

Salary of Judge of Recorder's Court.

SEC. 3. Effective April 1, 1949, the Judge of the Recorder's Court of Pamlico County shall receive a salary of sixty-five dollars ($65.00) per month, payable out of the general fund of said county.

Employment and salary of deputy sheriff.

SEC. 4. Effective April 1, 1949, the Sheriff of Pamlico County is authorized to employ one deputy sheriff for said county who shall be paid a salary of two hundred dollars ($200.00) per month which includes all expenses, payable out of the general fund of said county. *Provided, however,* that the board of county commissioners shall have the authority to discontinue the office of deputy sheriff after one year.

Authority to discontinue office of deputy sheriff.

Prior increases in salaries of Clerk Superior Court and Register of Deeds validated.

SEC. 5. All actions on the part of the Board of County Commissioners of Pamlico County in increasing the salaries of the Clerk of the Superior Court and the register of deeds of said county in excess of the amounts heretofore fixed by law are in all respects confirmed and validated.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 947 **CHAPTER 938**

AN ACT RELATING TO ESTABLISHING, OPERATION AND MAINTENANCE OF MUNICIPAL JAILS OR GUARDHOUSES.

The General Assembly of North Carolina do enact:

G. S. 160-2, corporate powers of municipalities, amended to include maintenance of jails.

SECTION 1. G. S. 160-2 is amended by adding a new Subsection to read as follows:

"10. To establish, erect, repair, maintain and operate a city or town jail or guardhouse, and to raise by taxation the moneys necessary therefor."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 1014 **CHAPTER 939**

AN ACT CREATING AN AGRICULTURAL AND BREEDERS' ASSOCIATION FOR THE COUNTY OF PASQUOTANK ON APPROVAL BY THE VOTERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Pasquotank County, Agricultural and Breeders' Association Commission created.

Membership.

SECTION 1. That there is hereby created an Agricultural and Breeders' Association Commission for the County of Pasquotank to consist of three members to have and exercise the power and authority hereinafter set forth, and which commission hereby established shall consist of three persons, to be appointed by the Pasquotank Board of Commissioners which shall designate one of the appointees as chairman.

Terms of office.

Successor appointments.

Vacancy appointments.

The term of office of said commissioners shall be for a period of six years from the date of the ratification of this Act and their successors in office shall be appointed by the board of county commissioners for a term of six years: *Provided, however,* that any vacancies occurring in said commission by reason of resignation, death, inability to serve or otherwise then and in such event such unexpired term of office shall also be filled by the board of county commissioners: *Provided, further,* that at all times two members of such commission shall be residents of Pasquotank County, North Carolina.

Compensation of members.

Employment of secretary.

Legal and clerical assistance.

The board of county commissioners is authorized, in its discretion, to fix the compensation of the chairman and other members of the commission. Said commission shall have full power and authority to employ or otherwise secure in their discretion a secretary for the commission, the salary of such secretary to be designated by the commission, and also to employ or otherwise secure such legal and clerical assistance as the commission shall deem necessary and all salaries and expenses of the commission shall be borne and paid as hereinafter set out.

Designation of commission.

The commission herein appointed shall be known and designated as the Pasquotank County Agricultural and Breeders' Association Commission and shall exercise its authority and act both generally and specially by and under such name.

Power to grant franchise for construction and operation of race course.

SEC. 2. The commission herein appointed shall have full power and authority to grant to any association, duly incorporated under the laws of North Carolina, a franchise or privilege for a term of years not less than five nor more than twenty to construct, own, operate and maintain a race course or driving park for trotting, pacing and running races of horses in the manner hereinafter set out:

Corporations entitled to franchise.

Subsec. (a) No franchise or privilege shall be granted by the commission to any corporation except one created especially for the purpose of improving and promoting the breeding of quality horses; and,

Financial requirements.

Subsec. (b) That said corporation have sufficient capitalization and financial resources to satisfy the commission that it is financially able to comply with all the rules and regulations of the commission and is fully able to financially and otherwise to maintain and operate its properties in accordance with such rules and regulations as the commission shall from time to time prescribe; and

Rules and regulations for conduct of races.

Subsec. (c). That any corporation holding such a franchise in the event it shall desire to conduct trotting, pacing or running horses shall conduct such races only upon days and dates set by, and under the rules and regulations of the United States Trotting Association, which now maintains offices and headquarters at number 1349 East Broad Street, Columbus, Ohio.

Payment of charges or fees prerequisite to issuance of franchise.

Subsec. (d). That as a prerequisite to the issuance of a franchise or privilege, the said corporation desiring said franchise or privilege shall at the time of making application therefor pay to the said commission for the use and benefit of Pasquotank County the following charges or fees:

Fee for franchise for minimum period.

First: For the franchise or privilege sought to be granted the minimum sum of one hundred dollars ($100.00) and in the event the said corporation shall desire a franchise or privilege for more than the minimum period allowed by this Act, such

Additional fees.

corporation shall pay in addition to the minimum fee of one hundred dollars ($100.00) an additional fee of one hundred dollars ($100.00) for each additional year, and in the event said franchise or privilege is refused, the said fee shall be returned to the applicant, otherwise said fee shall be forthwith paid into the Treasury of Pasquotank County; and,

Fee returned if franchise refused.

10% of gross receipts from racing operations payable to Commission.

Second: In the event such franchise or privilege is granted said corporation, the said corporation shall also pay to the commission for the use and benefit of Pasquotank County for each day or part of day during which said corporation conducts races or racing, a sum equivalent to ten per cent (10%) of the gross receipts of the corporation derived from all operations connected with or incident to the operation of such races or racing conducted during such day or part of day. Seventy-five per cent (75%) of the funds so received by the county shall be paid into the county school fund, and the remaining twenty-five per cent (25%) shall be allocated and used exclusively for public welfare purposes.

Allocation of funds received.

Payment of costs and expenses of Commission.

Subsec. (e). In addition to the foregoing fees all costs and expenses of the Agricultural and Breeders' Association Commission shall be borne by the corporation holding a franchise from said commission, and if more than one corporation shall hold a franchise, the costs and expenses of said commission shall be prorated among the holding franchises.

Construction and operation of racing course.

SEC. 3. That when the commission shall have granted a franchise or privilege as aforesaid to any corporation as aforesaid, the said corporation is hereby fully authorized and empowered to legally construct, build, carry on, maintain and operate a park, driving ground or race course outside the corporate limits of the City of Elizabeth City, but inside the corporate limits of Pasquotank County and to conduct and to maintain therein horse races: *Provided, however,* that no race or racing shall be conducted on Sunday and no race or racing shall begin or commence before the hour of one P. M. Eastern Standard Time, and that no person under the age of twenty-one years shall be admitted as a patron within the grounds of said park, driving ground or race course unless such person is accompanied by his or her parent or guardian, and such corporation is hereby expressly granted full power and authority to operate and maintain what is generally known as "Pari Mutuel Machines or Appliances" of the kind employed and in use at recognized racing courses in America: *Provided, however,* that said pari mutuel machines and appliances shall only be maintained and operated within the enclosure of said park, driving ground or race course and only on days or parts of days when races or racing is being therein conducted, and it shall be legal for any and all persons legally within the enclosure of said park, driving ground or race course while said park, driving ground or race course is open for racing, to participate in the operation, or become a patron of said pari machines and appliances.

Races prohibited on Sunday and before one P. M.

Attendance of minors.

Pari mutuel machines or appliances authorized.

Regulations as to operation.

Franchise irrevocable during corporation's compliance with regulations.

Subsec. (a). Any franchise or privilege granted by the commission to any corporation under the provisions of this Act shall be and remain irrevocable so long as said corporation complies with the terms and provisions of said franchise and complies with the rules and regulations of the said commission: *Provided, however,* that no franchise granted to any corporation by said Agricultural and Breeders' Association Commission shall be transferred or assigned to any other corporation except by and with the written consent of the commission first obtained.

No transfer of franchise without consent of Commission.

Regulations by Commission.

SEC. 4. That the commission herein appointed shall have full power and authority to adopt such rules and regulations as it may from time to time deem necessary to properly carry out the intentions of this Act and any violations of any of the provisions of this Act or any violations of any of the rules and regulations of the commission by any corporation holding a franchise or by any of its officers, agents or employees shall be a misdemeanor.

Violations made misdemeanor.

Provisions of Act effective only upon approval of voters at election.

SEC. 5. That the provisions of this Act shall become effective only when the same has been approved by the voters of Pasquotank County and the board of elections of said county is hereby authorized and directed to hold an election, within 120 days after the ratification of this Act, at which time there shall be submitted to the qualified voters of Pasquotank County the ques-

Election.

tion of creating an Agricultural and Breeders' Association Commission and allowing a race course to be constructed for horse racing in said county. At said election, those favoring such proposition shall vote a ballot on which shall be written or printed the words "For Race Course" and those not favoring such proposition shall vote a ballot on which shall be written or printed the words "Against Race Course." If a majority of the votes cast at said election shall be "For Race Course" then the provisions of this Act shall be in full force and effect, but if a majority of the votes cast be "Against Race Course," then the provisions of this Act shall be null and void.

Form of ballot.

Effect of election results.

SEC. 6. That this Act shall apply only to Pasquotank County, and when and if approved by the voters of said county, Pasquotank County shall be exempted from such provisions of Chapter 16 and Article 37 of Chapter 14 of the General Statutes of North Carolina as may be in conflict therewith.

Application of Act.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 1017 CHAPTER 940

AN ACT RELATING TO THE GAME OF "BINGO" IN DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be lawful to play or operate the game of "Bingo" in Dare County.

Dare County, game of "Bingo" permitted.

SEC. 2. Any person, firm or corporation desiring to play or operate the game of "Bingo" in Dare County shall first apply for and obtain from the board of county commissioners of said county a permit for the privilege of engaging in the playing or operation of the game of "Bingo" and shall pay for such permit an annual license tax in the amount of five hundred dollars ($500.00): *Provided,* that the board of commissioners of said county may exempt bona fide religious, charitable or fraternal organizations from the payment of the license tax for the privilege of playing or operating the game of "Bingo" in said county when the proceeds therefrom are devoted exclusively to religious, charitable or fraternal purposes.

Application for privilege license.

License tax.

Exemptions.

SEC. 3. All license taxes collected under authority of this Act shall be paid into the General Fund of Dare County.

Payment of taxes collected to general fund.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 1056 CHAPTER 941

AN ACT TO AMEND CHAPTER 421 OF THE SESSION LAWS OF 1943, AS AMENDED BY CHAPTER 945 OF THE SESSION LAWS OF 1947, RELATING TO THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 945, Session Laws, 1947, repealed.

SECTION 1. Chapter 945 of the Session Laws of 1947, as the same amends Chapter 421 of the Session Laws of 1943, relating to the distribution of profits from Alcoholic Beverage Control Stores in Washington County, is hereby repealed.

Ch. 421, Session Laws, 1943, amended as to distribution of A.B.C. profits, Washington County.

SEC. 2. Section 1 of Chapter 421 of the Session Laws of 1943 is hereby amended by striking out the word "fifteen" in line 2 of said Section and by inserting in lieu thereof the word "ten." Said Section is further amended by striking out the word "fifteen" in line 5 of said Section and by inserting in lieu thereof the word "ten"; and said Section is further amended by striking out the colon after the word "towns" in line 14 of said Section and by substituting in lieu thereof a period; and said Section is further amended by deleting therefrom the phrase beginning in line 14 and ending in line 18, which reads:

"*Provided,* no profits shall be paid to a town as set out above, unless such town furnishes police protection for the Alcoholic Beverage Control Store in said town, deemed adequate in the opinion of the county board of Alcoholic Beverage Control."

Delayed payment of profits to Town of Creswell.

SEC. 3. To the extent that the Town of Creswell has since July 1, 1944, failed to receive ten per cent (10%) of the net profits derived from the operation of an Alcoholic Beverage Control Store in the Town of Creswell because of failure to meet the conditions set out in the second sentence of Section 1 of Chapter 421 of the Session Laws of 1943, as amended by Chapter 945 of the Session Laws of 1947, as the same provided prior to the ratification of this Act, said town shall be paid out of the law enforcement officer fund a sum equal to the total sum which such town would have received subsequent to July 1, 1944, and prior to ratification of this Act, as if it had at all times complied with the conditions set out in the said second sentence of Section 1 above referred to.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 1096 **CHAPTER 942**

AN ACT AUTHORIZING THE BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS FOR THE COUNTY OF COLUMBUS TO REALLOCATE A PORTION OF THE PROCEEDS OF CERTAIN SCHOOL BONDS.

WHEREAS, the bond order finally passed on February 17, 1947 authorizing school building bonds of the County of Columbus, North Carolina, in the aggregate principal amount of $1,000,000 for erecting, remodeling and enlarging certain school buildings in said county, was ratified by Chapter 625 of the 1947 Session Laws and was duly approved by the vote of a majority of the qualified voters of the county voting at an election duly called and held; and Preamble: Columbus County, approval of bond order for school building bonds.

WHEREAS, $665,000 of said bonds have heretofore been issued; and Issuance of portion of bonds.

WHEREAS, it appears from the report of the Bureau of Research and Educational Service of the University of North Carolina that it may be advisable to re-allocate a portion of the proceeds of the unissued bonds: *Now, therefore,* Advisable to reallocate portion of proceeds of unissued bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education, and the Board of Commissioners for the County of Columbus, North Carolina, acting as an administrative agent of the State of North Carolina in providing a State system of public schools, may in their discretion, subject to the approval of the State Superintendent of Public Instruction and the Director of Schoolhouse Planning, re-allocate a portion of the proceeds of the unissued $335,000 school building bonds authorized by the bond order hereinabove mentioned, for the following school purposes: Columbus County, reallocation of portion of proceeds of unissued school building bonds authorized.

(a) Erecting a central high school building to serve the Old Dock-Nakina and Guideway Schools in lieu of remodeling and enlarging said two schools as recited in said bond order, and Purpose of reallocation.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 1165 CHAPTER 943

AN ACT TO FIX THE NUMBER OF MEMBERS OF THE COUNTY BOARD OF EDUCATION FOR CRAVEN COUNTY AND TO PROVIDE FOR THEIR NOMINATION.

The General Assembly of North Carolina do enact:

Craven County Board of Education.

SECTION 1. The Board of Education of Craven County shall consist of seven members.

Biennial nomination of candidates for membership by districts.

SEC. 2. After the effective date of this Act there shall be nominated biennially in the party primary of Craven County one candidate for membership on the Craven County Board of Education from each of seven districts, as follows:

District No. 1.

From District No. 1 consisting of all precincts within the corporate limits of the City of New Bern, together with the Rhems Precinct, one member.

District No. 2.

From District No. 2 consisting of the Bridgeton and the Truett Precincts, one member.

District No. 3.

From District No. 3 consisting of the Ernul, the Vanceboro and the Maple Cypress Precincts, one member.

District No. 4.

From District No. 4 consisting of the Fort Barnwell Precinct, one member.

District No. 5.

From District No. 5 consisting of the Dover and the Cove City Precincts, one member.

District No. 6.

From District No. 6 consisting of the Jasper, the Tuscarora and the Beech Grove Precincts, one member.

District No. 7.

From District No. 7 consisting of the Granthams, the Piney Grove, the Cherry Point and the Batchelor Precincts, one member.

Election of members.

SEC. 3. The qualified registered voters of the entire county shall be eligible to vote for one candidate from each of the districts set out above, and the candidate in each district receiving the highest number of qualified votes cast for candidates from

such district, by electors voting from the county at large, shall be declared a county nominee.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 1186 CHAPTER 944

AN ACT TO PROHIBIT THE SALE OF WINE OR BEER WITHIN A RADIUS OF ONE MILE AND A HALF OF THE ALLEN JAY SCHOOL IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any wine or beer within a radius of one mile and a half of the Allen Jay School in Guilford County. Guilford County, sale of beer or wine within certain area prohibited.

SEC. 2. The sale or offering for sale of any wine or beer in violation of the provisions of this Act shall constitute a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court. Violations made misdemeanor.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 1200 CHAPTER 945

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CARTERET COUNTY TO INCREASE THE SALARIES OF THE CLERK OF THE SUPERIOR COURT, THE SHERIFF AND THE REGISTER OF DEEDS OF SAID COUNTY WITHIN CERTAIN LIMITATIONS.

The General Assembly of North Carolina do enact:

Carteret County, increase in salaries of certain officials authorized.

Limitation on increase.

SECTION 1. In addition to the salaries provided for the Clerk of the Superior Court, the Sheriff and the Register of Deeds of Carteret County by Chapter 196 of the Session Laws of 1947, the board of county commissioners of said county is authorized to increase said salaries for said officers in an amount not to exceed ten per cent (10%) thereof.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective as of the first of March, 1949.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

H. B. 1208 CHAPTER 946

AN ACT RELATING TO THE GAME OF BINGO IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Halifax County, operation of game of "Bingo" by certain associations, etc., permitted.

SECTION 1. It shall be lawful to play or operate the game of "Bingo" in Halifax County in connection with fairs or exhibitions sponsored by civic, charitable, or trade associations, or volunteer fire departments in said county.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. B. 8 **CHAPTER 947**

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES SO AS TO AUTHORIZE MUNICIPALITIES TO REDUCE THE SPEED LIMIT FIXED BY STATE LAW ON CERTAIN STREETS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 20-141 of the General Statutes by inserting a new Subsection therein to follow immediately Subsection (f), to be designated Subsection (fl), and to read as follows:

G. S. 20-141, Motor Vehicle Act, amended as to speed restrictions.

"(fl). Local authorities in their respective jurisdictions may in their discretion fix by ordinance such speed limits as they may deem safe and proper on those streets which are not a part of the State Highway System and which are not maintained by the State Highway and Public Works Commission, but no speed limit so fixed for such streets shall be less than twenty-five miles per hour, and no such ordinance shall become or remain effective unless signs have been conspicuously placed giving notice of the speed limit for such streets. A violation of any ordinance adopted pursuant to the provisions of this Subsection shall constitute a misdemeanor punishable by a fine not to exceed fifty dollars ($50.00) or a prison sentence of not more than thirty days."

Power of local authorities by ordinance to regulate speed limits on certain streets.

Violations made misdemeanor.

SEC. 2. In order to make this Act effective, Section 20-169 of the General Statutes is hereby amended by striking out of the third line of said Section the following: "Subsection (g)."

G. S. 20-169, powers of local authorities, amended to conform.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

S. B. 86 **CHAPTER 948**

AN ACT TO FIX THE COMPENSATION OF THE JAILER OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 9 of Chapter 17 of the Session Laws of 1947 by rewriting the first sentence in said Section 9 so that the same shall hereafter read as follows:

Ch. 17, Session Laws, 1947, amended.

Jackson County, appointment of deputy sheriff as jailer; compensation.

Services to be provided by jailer.

Jail fee taxed in bill of costs in criminal cases.

"The sheriff shall appoint one deputy who shall serve as jailer, and who shall receive as his compensation the sum of two hundred fifty dollars ($250.00) per month, and from such compensation the said deputy, serving as jailer, shall provide a matron to supervise and care for the woman's department of the Jackson County Jail, and from such compensation he shall also provide janitor and laundry service for said jail and shall purchase, prepare and serve suitable, adequate and wholesome food for all prisoners lawfully committed to said jail as provided by law. Each defendant in a criminal case shall pay into the General Fund of Jackson County the sum of one dollar and fifty cents ($1.50) for each day he is confined or imprisoned in the County Jail of Jackson County, which said sum shall be taxed in the bill of costs in his case as jail fee."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 502 CHAPTER 949

AN ACT TO AMEND G. S. 7-104 TO PROVIDE FOR THE ELECTION OF A COUNSELOR FOR THE DOMESTIC RELATIONS AND JUVENILE COURT OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-104, amended.

SECTION 1. G. S. 7-104 is hereby amended by adding after the last paragraph thereof the following paragraph:

Mecklenburg County, Domestic Relations and Juvenile Court, appointment of counselor.

Compensation.

Duties of counselor.

"A counselor of the Domestic Relations and Juvenile Court of Mecklenburg County shall be appointed in the same manner and way as the regular judge and the assistant judge are appointed and to serve for the same period as the regular and assistant judges of said court, said counselor to receive as his compensation an annual salary of up to four thousand dollars ($4000.00), to be paid in the same manner and by the same agencies out of the same funds as the regular judge's compensation. The duties of said counselor, appointed pursuant to this paragraph, shall be to present the evidence in all actions in behalf of the State of North Carolina in the domestic relations and juvenile court; further, to counsel with those appearing as witnesses or defendants, or other, with the view of preventing parents from separating, and of keeping and caring properly for their children, and to perform such other duties as may be

prescribed or delegated to him by the Judge of the Domestic Relations and Juvenile Court of Mecklenburg County."

Application of Act.

SEC. 2. This Act shall apply to Mecklenburg County and the City of Charlotte only.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 660 CHAPTER 950

AN ACT TO AMEND G. S. 55-66 RELATING TO DECREASE OF CAPITAL STOCK OF CORPORATIONS.

The General Assembly of North Carolina do enact:

G. S. 55-66, decrease of capital stock of corporations, amended.

SECTION 1. G. S. 55-66 is hereby amended by striking out all of the last paragraph except the last sentence.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Pending litigation unaffected.

SEC. 3. Nothing in this Act shall affect pending litigation.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 661 CHAPTER 951

AN ACT TO AMEND GENERAL STATUTES 90-203, 90-204, 90-206 AND 90-207 SO AS TO REQUIRE FUNERAL DIRECTORS TO BE REGULATED BY STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS.

The General Assembly of North Carolina do enact:

G. S. 90-203, rewritten.

SECTION 1. G. S. 90-203 as amended, is hereby further amended by rewriting the said Section so as to read as follows, to-wit:

State Board of Embalmers and Funeral Directors; election of members.

"The State Board of Embalmers and Funeral Directors shall consist of seven members, elected by the North Carolina Funeral Directors and Burial Association, Inc., at least five of whom shall be licensed and practicing embalmers, having experience in the

Qualifications.

care and disposition of dead human bodies. Of the five members of the board required to be licensed and practicing embalmers, one such member of the board shall be elected in June 1905, and

Terms.

one annually thereafter in the month of June. The term of office shall begin on the first day of July, next after the election and continue for five years. The two members of the board not required to be licensed and practical embalmers shall be elected during the month of June 1949, one for a term of two years, beginning on the first day of July, 1949, and one for a term of three years, beginning July 1, 1949; the successor of these members of the board shall be elected thereafter during the month of June in the year in which the term of the board member expires.

Vacancy appointments.

The North Carolina Funeral Directors and Burial Association, Inc., shall fill all vacancies in such board.

G. S. 90-204, amended as to removal of members, etc.

SEC. 2. G. S. 90-204 is hereby amended by inserting after the word "embalmers" in said Section the words "and funeral directors".

G. S. 90-206, rewritten.

SEC. 3. G. S. 90-206 as amended, is hereby further amended by rewriting the said Section so as to read as follows, to-wit:

Meetings of board; quorum.

"The board shall meet at least once every year, during the month of July, at such place as it may determine. Four members shall constitute a quorum. At each annual meeting the

Election of officers.

board from its members shall select a president and a secretary, who shall hold their offices for one year, and until their successors

Adoption of rules, regulations, etc., for practice of embalming and conducting funerals.

are elected. The board shall, from time to time, adopt rules, regulations, and bylaws not inconsistent with the laws of this State or of the United States, whereby the performance of the duties of such board and the practice of embalming of dead human bodies and conducting funerals shall be regulated. *Provided, however* that any regulations concerning funerals, shall pertain to sanitation only. The board shall also enforce such rules and regulations relative to sanitation, health and the protection of the public from contagious and infectious diseases as are promulgated by the State Board of Health with respect to the

Administration of oaths to witnesses testifying before board.

handling of dead human bodies. The president of the board (and in his absence a president pro tempore elected by the members present) is authorized to administer oaths to witnesses testifying before the board."

G. S. 90-207, rewritten.

SEC. 4. G. S. 90-207 as amended is hereby further amended by rewriting said Section so as to read as follows:

Application for license as embalmer.

"Every person not licensed as an embalmer, now engaged or desiring to engage in the practice of embalming dead human bodies, shall make written application to the State Board of Embalmers and Funeral Directors for a license, accompanying

License fee.

the same with a license fee of ten dollars ($10.00), whereupon the applicant shall present himself before the board at a time

Examination of applicant.

and place to be fixed by the board, and if the board shall find upon due examination, that the applicant is of good moral

character, possessed of skill and knowledge of said science of embalming and the care and disposition of the dead, and has a responsible knowledge of sanitation and the disinfection of bodies of deceased persons and the apartment, clothing, and bedding, in case of death from infectious or contagious disease, and has had a special course in embalming in an approved school, or two years practical experience with a licensed and practicing embalmer, who shall make affidavit upon the application that said applicant has had such experience under him, the board shall issue to such applicant a license to practice the art of embalming and the care and disposition of the dead, and shall register such applicant as a duly licensed embalmer. Such license shall be signed by a majority of the board and attested by its seal. All persons receiving a license under the provisions of this Article shall also register the fact at the office of the board of health of the city, and where there is no board of health, with the Clerk of the Superior Court in the county or counties in which it is proposed to carry on said practice, and shall display said license in a conspicuous place in the office of such licentiate. Every registered embalmer and funeral director who desires to continue the practice of his profession shall annually, during the time he shall continue in such practice, on such day as the board may determine, pay to the secretary of the board a fee of ten dollars ($10.00) for the renewal registration."

Issuance of license.

Registration of persons receiving license.

Display of license.

Renewal registration.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 914

CHAPTER 952

AN ACT TO AMEND SECTION 53-141 OF THE GENERAL STATUTES OF NORTH CAROLINA CLARIFYING LENDING POWERS OF INDUSTRIAL BANKS.

The General Assembly of North Carolina do enact:

SECTION 1. That Subsection 1 of Section 53-141 of the General Statutes of North Carolina be stricken out and the following substituted in lieu thereof:

G. S. 53-141, powers of industrial banks, amended.

"1. To discount and negotiate promissory notes, drafts, bills of exchange and other evidence of indebtedness, and to loan money on real or personal security and reserve lawful interest in advance upon such loans, and to discount or purchase notes, bills of exchange, acceptances or other choses in action."

Loans and discounts.

SEC. 2. That Subsection 2 of Section 53-141 of the General Statutes of North Carolina be stricken out and the following substituted in lieu thereof:

Deduction of interest in advance.

"2. Upon the making of a loan or discount, to deduct in advance, from the proceeds of such loan, interest at a rate not exceeding six per centum (6%) per annum upon the amount of the loan from the date thereof until the maturity of the final installment, notwithstanding that the principal amount of such loan is required to be repaid in installments."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 915 CHAPTER 953

AN ACT TO AMEND SECTION 25-15 GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE WHEN A NEGOTIABLE INSTRUMENT IS PAYABLE TO BEARER.

The General Assembly of North Carolina do enact:

G. S. 25-15, relating to negotiable instruments, amended.

SECTION 1. That all of Section 25-15 of the General Statutes of North Carolina following the headnote be stricken out and the following inserted in lieu thereof:

Instrument payable to bearer, defined.

"The instrument is payable to bearer (1) when it is expressed to be so payable; or (2) when it is payable to a person named therein or to bearer; or (3) when it is payable to the order of a fictitious or nonexisting or living person not intended to have any interest in it, and such fact was known to the person making it so payable, or known to his employee or other agent who supplies the name of such payee; or (4) when the name of the payee does not purport to be the name of any person; or (5) when the only or last endorsement is an endorsement in blank."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 916 CHAPTER 954

AN ACT TO AMEND SECTION 25-144 GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE FOR ACCEPTANCE OF CHECKS BY BANKS AND THE POSTING THEREOF TO ACCOUNTS OF DEPOSITORS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 25-144 of the General Statutes of North Carolina be, and the same is hereby amended by adding a new paragraph to said Section, to read as follows:

G. S. 25-144, liability of drawee retaining or destroying bill of exchange, amended.

"Any payment made by a drawee bank for a check presented to it shall be conditional, subject to revocation, unless the bank accepts or certifies the check; but such conditional payment shall become unconditional at midnight of the next business day following the presentment of the check unless prior to such time the check is returned by the drawee bank, either by delivery, or by deposit in the mails, to the bank or person presenting it; *provided,* that this Section shall not prevent the presentment and payment of checks on other terms, in accordance with clearing house rules or practices, or pursuant to special collection agreements, and shall not apply to checks presented over the counter otherwise than for credit to a depositor's account."

Conditional payment of checks presented to drawee banks.

Exceptions.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 943 CHAPTER 955

AN ACT TO AMEND ARTICLE 25 OF CHAPTER 7 OF THE GENERAL STATUTES TO MAKE FURTHER PROVISIONS WITH RESPECT TO THE APPOINTMENT OF CLERKS OF THE COUNTY RECORDERS' COURTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Article 25 of Chapter 7 of the General Statutes be, the same hereby is, amended by adding at the end of Section 7-234, a new Section numbered and reading as follows:

G. S. Ch. 7, Art. 25, County Recorders' Courts, amended.

"SEC. 7-234.1. Appointment of Clerk by County Commissioners: The board of county commissioners of any county in which there has been established or in which there may hereinafter be established a county recorder's court under the provisions of this Article, may determine whether or not the person who shall

G. S. 7-234.1, appointment of clerk by county commissioners, enacted.

perform the duties of clerk of said court shall be as provided in General Statutes 7-231 and 7-232 or such board of county commissioners may, in lieu of following the provisions of said General Statutes 7-231 and 7-232 appoint some qualified person who is a citizen and a resident of the county as clerk of such county recorder's court. The term of office of such clerk shall be coterminous with the term of the judge of said court and before entering upon the duties of said office shall take and subscribe to an oath of office in substantially the same form as that required of the Clerks of the Superior Court. The said appointee, before beginning the duties of his office, shall file with the board of county commissioners a bond in such sum and with such surety or sureties as the board may determine, conditioned upon the faithful performance of the duties of his office and for the faithful accounting for all funds and properties which may come into his hands by virtue of, or by color of, his office. The said clerk shall be directly answerable to the said board of commissioners. The board of commissioners shall fix the salary of such clerk and pay such salary out of the general funds of the county. The said clerk shall be charged with the duty of keeping correct records of the proceedings of the said court, of collecting, receiving, receipting for, and accounting for all fines, forfeitures, costs, cash deposits in lieu of bonds, and other funds and properties to be payable into and deposited with said court; and the clerk shall each day pay over to the county treasurer and properly account for all funds which shall have come into his hands as such clerk; except and *provided, however,* that the said clerk, by and with the consent and approval of the board of commissioners of the county, may open and maintain a bank account in his official capacity, wherein he may deposit all cash deposited with the said court in lieu of bonds, and he may, when ordered and directed so to do by the judge of the said court, refund such cash bonds to the depositors thereof as may not have been forfeited; but as soon as any such cash bond shall have been forfeited, he shall forthwith pay over and transmit same to the county treasurer. The said clerk shall have and be vested with authority to administer any and all oaths and affirmations in connection with the operation of the said court; to issue in the name of the court any and all warrants of arrest, summonses, subpoenas, and other writs, to the same extent and with like effect as if named under General Statutes 7-231 and 7-232 of this Article.

Term of office.

Oath.

Bond required.

Salary of clerk.

Duties of clerk.

Audit of books and records of clerk.

The board of commissioners of the county shall cause the books and records of such clerk to be audited at least annually."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

SEC. 4. This Act shall only apply to Mecklenburg County. Act applicable only to Mecklenburg County.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 972 CHAPTER 956

AN ACT TO AMEND G. S. 156-81 RELATING TO ELECTION AND COMPENSATION OF DRAINAGE COMMISSIONERS AND ORGANIZATION OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 156-81 is hereby amended by rewriting Subsection 7 thereof so as to read as follows: G. S. 156-81, amended.

"7. Compensation. The chairman of the board of drainage commissioners shall receive compensation and allowances as fixed by the Clerk of the Superior Court. In fixing such compensation and allowances, the clerk shall give due consideration to the duties and responsibilities imposed upon the chairman of the board. The other members of the board shall receive a per diem not to exceed five dollars ($5.00) a day, while engaged in attendance upon meetings of the board, or in the discharge of duties imposed by the board. The secretary of the board shall receive such compensation and expense allowances as may be determined by the board. Compensation of chairman and members of board of drainage commissioners. Compensation of secretary.

"The chairman and members of the board of drainage commissioners shall also receive their actual travel and subsistence expenses while engaged in attendance upon meetings of the board, or in the discharge of duties imposed by the board. The compensation and expense allowances as herein set out shall be paid from the assessments made annually for the purpose of maintaining the canals of the drainage district, or from any other funds of the district." Travel and expense allowance.

SEC. 2. G. S. 156-81 is hereby further amended by striking out all of Subsection 8, and inserting in lieu thereof the following: Section further amended as to application thereof.

"8. Application of Section. The provisions of this Section shall apply to all drainage districts now or hereafter existing in this State, without regard to the date of organization, whether before or after the effective date of this Act."

SEC. 3. G. S. 156-81 is hereby further amended by adding a new Subsection 9 thereto, to read as follows:

Appointment of commissioners by Clerk Superior Court as alternative to election.

"9. Appointment by Clerk of Superior Court as alternative to election. In lieu of the methods of election and filling of vacancies in the position of drainage commissioner as provided in G. S. 156-79, and G. S. 156-81, the Clerk of the Superior Court may, in his discretion, appoint such drainage commissioners and fill such vacancies, and such drainage commissioners so appointed by the clerk shall have the same authority and responsibility as if they had been elected or appointed as provided under G. S. 156-79 or G. S. 156-81."

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 973 CHAPTER 957

AN ACT AMENDING GENERAL STATUTES SECTION 7-101, RELATING TO THE ESTABLISHING OF DOMESTIC RELATIONS COURT.

The General Assembly of North Carolina do enact:

G. S. 7-101, amended as to establishment of domestic relations courts.

SECTION 1. Section 7-101 of the General Statutes of North Carolina is hereby amended by adding at the end thereof the following: "*Provided,* that in counties with two or more cities having twenty-five thousand or more inhabitants each, any such city may join any other city or cities of at least twenty-five thousand inhabitants each in establishing a domestic relations court; or any number of or all of such cities may join the county in which they are situate in establishing a domestic relations court."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1027 **CHAPTER 958**

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA AS IT RELATES TO INSURANCE ADJUSTERS AND CHAPTER 105 OF THE GENERAL STATUTES, BEING THE REVENUE ACT.

The General Assembly of North Carolina do enact:

G. S. Ch. 58, insurance, amended.

SECTION 1. Amend Chapter 58 of the General Statutes of North Carolina as follows:

G. S. 58-39.4, amended as to definition of "insurance adjuster."

1. Strike out paragraph 5 of Section 58-39.4 and insert in lieu thereof the following: "5. An insurance adjuster is hereby defined to be any person who for compensation, fee or commission as an employee of an insurance company, so designated by such company on forms furnished by the commissioner, investigates or reports to his principal relative to claims arising under insurance contracts other than life, annuities, health or accident on behalf solely of the insurer.

"Independent adjuster."

"6. An independent adjuster is hereby defined to be any person who for compensation, fee or commission as an independent contractor, or as an employee of an independent contractor, investigates or reports to an insurer relative to claims arising under contracts other than life, annuities, health or accident on behalf solely either of the insurer or the insured.

Persons exempt from term "adjuster."

"7. An attorney at law who adjusts insurance losses from time to time incidental to the practice of his profession, an adjuster of marine losses, or a special agent who adjusts for companies for which he is licensed as agent is not deemed to be an 'adjuster' for the purposes of this Chapter. A person who investigates and reports on claims arising under the terms of a hail insurance policy shall be deemed to be an employee of an insurance company for the purposes of this Section."

G. S. 58-39.5, independent insurance adjuster to obtain license, enacted.

2. Add a new Section as follows: "Section 58-39.5. Independent insurance adjuster to obtain license. Every independent insurance adjuster shall obtain annually from the commissioner a license under the seal of his office showing that he is authorized to act as an independent adjuster for companies licensed to do business in this State. Every such independent adjuster shall on demand exhibit his license to any representative of the insurance department or to any person interested in a loss under adjustment."

G. S. 58-39.6, companies to file authorization for independent adjusters, enacted.

3. Add a new Section as follows: "Section 58-39.6. Companies to file authorization for independent adjusters. Every insurance company licensed to do business in this State who uses for adjustment purposes the services of an independent adjuster shall be required to file in the office of the commissioner a statement of authorization containing the names of those independent ad-

justers who are authorized, on its behalf, to investigate and report on claims arising under insurance contracts, other than life, annuities, health or accident, issued by such companies. No independent adjuster shall make any investigation, report or settlement of any claim on behalf of any company which has not filed in the office of the commissioner a written statement authorizing the licensee to act on its behalf as provided herein."

G. S. 58-41, application of insurance agent, adjuster, etc., for license, amended.

4. Amend Section 58-41 of the General Statutes by striking out the first paragraph thereof and inserting in lieu thereof the following: (a) "Before a license is issued to an insurance agent, general agent, independent adjuster or adjuster in this State, the agent, general agent, independent adjuster or adjuster shall apply for license on forms to be prescribed by the commissioner; in all cases where application is made for the license mentioned herein except those licenses of independent adjusters, the company for which the agent, general agent, or adjuster desires to act shall also apply for the license on forms to be prescribed by the commissioner; and before he issues a license to such agent, general agent, independent adjuster or adjuster, the commissioner shall satisfy himself that such license, if issued, shall serve the public interest and that the person applying for license as an agent, general agent, independent adjuster, or adjuster". (b) In line 5 of paragraph (f) between the word "agent" and the word "or" insert a comma and the words "independent adjuster,"

G. S. 58-41.1, examination for license, amended to include independent adjusters.

5. Amend Section 58-41.1 of the General Statutes as follows: (a) In line 2 of paragraph 1 between the words "agent" and "or" insert a comma and the words "independent adjuster". (b) In line 1 of sub-paragraph (c) after the words "general agent's" insert a comma and the words "independent adjuster's". (c) In line 2 of paragraph 2 after the words "general agent" insert a comma and the words "independent adjuster".

G. S. 58-42, revocation of agent's or adjuster's license, amended.

6. Amend Section 58-42 of the General Statutes as follows: In lines 3, 28 and 31 after the words "special agent" in each of said lines insert the words "independent adjuster,".

G. S. 58-51, adjuster acting for unauthorized company, amended.

7. Amend Section 58-51 of the General Statutes by inserting in line 1 between the word "as" and the word "adjuster" the words "independent adjuster or".

G. S. 58-52, agent violating insurance law, amended.

8. Amend Section 58-52 of the General Statutes of North Carolina by inserting in lines 2 and 4 between the word "broker" and the word "or" a comma and the words "independent adjuster".

G. S. 105-228.7, Revenue Act, tax on insurance companies, amended as to registration fees for agents, etc.

SEC. 2. Amend Section 105-228.7 of the General Statutes of North Carolina as follows:

(1) In line 1 after the comma following the word "organizer" insert the words "independent adjuster,".

(2) In lines 8 and 9 strike out the words "for each company represented in this State".

(3) Strike out lines 12, 13, 14, 15, 16, and 17 and insert in lieu thereof the following:

Insurance agent (local), for each company represented	$ 2.50
General agent or manager, for each company represented	6.00
Special agent or organizer, for each company represented	5.00
Insurance adjuster, for each company represented	3.00
Insurance broker	2.50
Independent adjuster	100.00
Nonresident broker	10.00

The above fees shall be in lieu of any and all other license fees.

Partial invalidity section.

SEC. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1042 CHAPTER 959

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS OF 1923, THE SAME BEING THE CHARTER OF THE CITY OF GREENSBORO, SO AS TO EXTEND THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Ch. 37, Private Laws, 1923, amended to extend corporate limits, City of Greensboro.

SECTION 1. That Chapter 37, Private Laws of 1923, as amended, the same being the Charter of the City of Greensboro, is hereby further amended, as follows: Section 2 (a) of said Chapter 37, Private Laws of 1923, is hereby amended so that the corporate limits of the City of Greensboro as herebefore defined are hereby altered so as to include therein the following described territory, to-wit:

Boundaries of annexed territory.

A. Beginning at a point where the present corporate limit line of the City of Greensboro intersects the South property line of East Bessemer Avenue and running thence along the South property line East Bessemer Avenue in an eastwardly direction approximately 540 feet to a point 150 feet East of English Street; thence along a line parallel to and 150 feet East of English Street in a southwardly direction approximately 2000 feet to a point 150 feet South of the South line of Industrial Avenue extended; thence westwardly along a line parallel to and 150 feet South of the South line of Industrial Avenue approximately 470 feet to the present eastern corporate line of the City of Greensboro; thence along the present eastern corporate line of the City of Greensboro in a northwardly direction approximately 1750 feet to the point of beginning.

B. Beginning at a point where the southern corporate line of the City of Greensboro intersects the western line of South Elm Street; and running thence along the West line of South Elm Street in a southwardly direction approximately 260 feet to a point, said point being 150 feet South of the South line of Terrell Street; and running thence in a westwardly direction parallel with and 150 feet South of the South line of Terrell Street approximately 2230 feet to the East line of Ashe Street; thence along the East line of Ashe Street in a northwardly direction approximately 50 feet to the present South corporate line of the City of Greensboro; thence along said South corporate line of the City of Greensboro in an eastwardly direction approximately 2180 feet to the point of beginning.

Status of annexed territory.

SEC. 2. The territory hereby annexed to the City of Greensboro shall have exactly the same status in every respect as the territory within the present corporate limits of the City of Greensboro but outside of the corporate limits of the City of Greensboro as the same existed just prior to March 15, 1923.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1075 CHAPTER 960

AN ACT TO AMEND HOUSE BILL NO. 321, RATIFIED THE 22ND OF MARCH, 1949, RELATING TO THE OPERATION OF LOUD SPEAKERS, AMPLIFYING SYSTEMS AND PUBLIC ADDRESS SYSTEMS, SO AS TO MAKE THE SAME APPLICABLE ONLY TO HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 498, Session Laws, 1949, amended to limit application of Act to Harnett County.

SECTION 1. House Bill No. 321, ratified the 22nd of March, 1949, relating to the operation of loud speakers, amplifying systems and public address systems, is amended by adding a new Section immediately following Section 2, to be designated Section 2½, to read as follows:

"SEC. 2½. This Act shall apply only to Harnett County."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1085 CHAPTER 961

AN ACT TO AMEND CHAPTER 235 OF THE SESSION LAWS OF 1947 RELATING TO THE AUDITING OF ACCOUNTS BY THE CLERK SUPERIOR COURT OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Ch. 235, Session Laws, 1947, amended as to fees of Clerk Superior Court, Richmond County.

SECTION 1. That the Chapter 235 of the Session Laws of 1947 regulating the fees and salaries in Richmond County be and the same is hereby amended by striking out paragraph 9 and paragraph 10 of Section 8 of the Act and inserting in lieu thereof the following:

"Auditing accounts, either annual or final, of administrators, collectors, executors, guardians, receivers, surviving partners, or other trustees or fiduciaries required or allowed to render accounts, except commissioners appointed to sell real or personal property, mortgages or trustees in deeds of trust, fifty cents (50c) for each one hundred dollars ($100.00) or major fraction thereof of the total receipts and disbursements through one thousand dollars ($1,000.00), and ten cents (10c) for each one hundred dollars ($100.00) or major fraction thereof on the total receipts and disbursements in excess of one thousand dollars

Fees of Clerk Superior Court, Richmond County (cont'd).

($1,000.00), but in no event shall the fee be less than one dollar ($1.00), *provided* that no fee shall be charged upon amounts collected from the fiduciary himself or upon the payment of any legacy or distributive share or the amount due any ward or cestui que trust, *provided further* that when stocks, bonds, or any other personal property is assigned, delivered, or transferred to any creditor, distributee or legatee without converting the same into cash, these fees shall be computed and charged on said stock, bonds, or other personal property at the market or estimated value thereof at the time the same are assigned, delivered or transferred; *provided further* that when the fees herein prescribed shall have been charged upon any item in an annual account, no further fees shall be charged on any item in any subsequent account, and no fees shall be charged upon the balance brought forward from one account to a subsequent account upon the auditing of said subsequent account. The fees to be charged by the clerk on property assigned, delivered or transferred shall be computed and charged at the time of filing of any account which shows or ought to show the assignment, delivery or transfer of such property not converted into cash, and any assignment, delivery or transfer to a creditor in part or full payment of his claim against the estate shall be considered a disbursement.

Conflicting laws repealed.

SEC. 2. All laws and clauses of law in conflict of this Act, are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1108 CHAPTER 962

AN ACT RELATING TO THE TERRITORIAL JURISDICTION AND THE SALARIES OF THE JUDGE, SOLICITOR AND CLERK OF THE RECORDER'S COURT OF MOUNT AIRY TOWNSHIP IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Surry County, Recorder's Court of Mt. Airy Township, territorial jurisdiction extended.

SECTION 1. The territorial jurisdiction of the Recorder's Court of Mount Airy Township in Surry County is hereby extended to include Dobson Township, Marsh Township, Bryan Township and Elkin Township, and said recorder's court shall have the same jurisdiction and operate in the same manner with respect to said townships as is now provided by law with respect to said court in relation to Mount Airy Township.

SEC. 2. The judge of said court shall hold court at such times and places in said several townships as he, in his discretion, deems advisable. Sessions of court in extended territory.

SEC. 3. The board of county commissioners is hereby authorized to fix, in its discretion, the compensation of the judge, solicitor and clerk of said court, and to appoint such assistant clerks and other personnel as the said board of county commissioners may deem necessary to the proper functioning of the said court. Compensation of court officials.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1151 CHAPTER 963

AN ACT RELATING TO THE RECORDS OF THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In order to promote efficiency and economy in the county government, and to conserve space in the office of the Clerk of the Superior Court, authority is hereby granted to the Clerk of the Superior Court of Forsyth County for the keeping and for the disposition of papers, documents, books and records as hereinafter described, in the manner hereinafter set forth: Forsyth County, authority of Clerk Superior Court with respect to records of public documents.

(a) When any judgment or order signed by the Clerk of the Superior Court of Forsyth County, in any action pending in the Superior Court, because of the type and character of the judgment it is necessary that same be copied in full on the judgment docket, then it shall only be necessary to enter on the minute docket of the Clerk of the Superior Court the title of the action in which the judgment is entered, the judgment docket number and number of page in the judgment docket where same is recorded. Docketing of judgments.

(b) It shall not be necessary for the Clerk of the Superior Court to record either in the minute docket or in record of orders and decrees the instrument or papers as hereinafter set forth in this Subsection (b), but a brief record of same shall be entered on the proper book and proper record of the action or proceeding, either the summons or civil issue docket or the special proceeding docket, giving a brief summary of the order, or notice, date of the signing or of filing. Records of certain administrative orders and notices.

Order appointing next friend; Order appointing a guardian ad litem; Order extending time to file complaint; Order extending time to file answer; Order for examination of party to obtain information to file complaint; Order for examination of party to obtain information to file answer; Order and notice for service of summons by publication; Notices of various kinds; Order to make new parties; Order to examine parties after pleadings are filed; Order striking a part of a pleading.

Inventories and accounts.

(c) All inventories, accounts, including final accounts filed by receivers and commissioners appointed either in civil actions or special proceedings may be recorded in the same records where inventories, annual and final accounts of executors, administrators, collectors, guardians, and other fiduciaries are recorded.

Interlocutory orders for alimony.

(d) It shall not be necessary that any interlocutory order signed by the Judge of the Superior Court for alimony in any action be recorded on the judgment docket, but same shall be entered in full on the minute docket and a brief summary of said order shall be made on the record of said case in the summons docket or the civil issue docket.

Index of judgments in criminal cases.

(e) All judgments entered in criminal actions may be cross indexed on the defendants' side or column of the cross index to civil judgments, and in so doing the clerk shall designate that said judgment was entered in a criminal action. It shall not be necessary that any judgment entered in a criminal action be indexed on the plaintiffs' side or column of any cross index. All records of liens and lis pendens may be cross indexed on the same cross index to civil judgments and designated in the index as such.

Liens and lis pendens.

Special proceedings.

(f) It shall not be necessary for the Clerk of the Superior Court to index on the cross index to special proceedings or orders and decrees, or any other index, except as hereinafter provided, the records of persons adjudicated or found to be mentally disordered, mentally ill, mentally defective, inebriate, epileptic, or incompetent from want of understanding to manage his own affairs, or persons ordered to be sterilized, or any person discharged from any institution as of sane mind, or any person legally adjudged competent to manage his own affairs, and all other matters relating to said cases may be indexed on a special index to be prepared and put in use by the Clerk of the Superior Court.

Lunacy docket.

Destruction of certain records upon authorization by county commissioners.

SEC. 2. (a) Whenever in the opinion of the Clerk of the Superior Court of Forsyth County certain papers, documents, books, and public records as set forth in Subsection (b) of this Section are consuming valuable space and have no historical value, said clerk may destroy or otherwise dispose of same without the reproduction or the retention of copies of said papers, documents, books, and public records, upon a written resolution being adopted by the board of county commissioners giving au-

thority therefor, and when entered in the minutes of said board, and with the consent of the N. C. State Department of Archives and History, or its successor; *Provided:* that the clerk shall first furnish the State Department of Archives and History, or its successor, a complete explanation of the kind and type of papers, documents, books, and public records intended to be destroyed or otherwise disposed of, and turn over to the Department of Archives and History, or its successor, all or any of such papers, documents, books, and public records as the department may desire to have. In the event that the Department of Archives and History, or its successor shall fail to notify the Clerk of the Superior Court of Forsyth County within ninety (90) days after receiving an explanation of the kind and type of papers, documents, books, and public records intended to be destroyed or otherwise disposed of, of its action thereon, then such failure to notify the Clerk of the Superior Court of Forsyth County shall in all respects be deemed a consent by the State Department of Archives and History, or its successor, for the destruction or otherwise disposal of said papers, documents, books, and public records.

Consent of N. C. Department of Archives and History.

Information furnished by Clerk.

Consent of Department presumed upon failure to act.

(b) All records and papers of justices of the peace filed or deposited in the office of the Clerk of the Superior Court for a period of more than seven years because of death or resignation of a justice of the peace; all subpoenas, witness certificates or tickets, bills of cost, notices and orders enumerated in Subsection (b) of Section 1 of this Act, and all other papers except the summons, pleadings, judgments and final orders in all civil actions in cases which have been closed for more than ten years by the entering of a final judgment or final order disposing of the action.

Records of Justices of the Peace.

Miscellaneous records.

SEC. 3. This Act shall apply only to Forsyth County.

Application of Act.

SEC. 4. All laws and clauses of laws, and particular any of the provisions of G. S. 2-42 in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1156 CHAPTER 964

AN ACT TO ENABLE THE CITY OF CHARLOTTE TO GRANT EASEMENTS OR RIGHTS-OF-WAY OVER CITY-OWNED PROPERTY TO RAILROADS FOR RAILROAD PURPOSES.

The General Assembly of North Carolina do enact:

City of Charlotte, authority to grant rights-of-way or easements for railroads over city-owned property.

SECTION 1. The City of Charlotte shall have the right, by resolution or ordinance of its city council and instruments executed pursuant thereto, to grant unto railroad companies rights-of-way or easements for railroad purposes over city-owned property located within or without the city limits, upon such terms and conditions and for such consideration as the council may deem appropriate in connection with the elimination of grade crossings of such railroads over the streets of said city within its city limits.

Pending litigation unaffected.

SEC. 2. This Act shall not apply to pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in force from the date of its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1159 CHAPTER 965

AN ACT TO AMEND CHAPTER 31, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1915, RELATING TO THE EXTENSION AND/OR RELOCATION OF THE TOWN LIMITS OF THE TOWN OF PINK HILL, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 31, Private Laws, 1915, amended to redefine the corporate limits of Town of Pink Hill.

SECTION 1. That Section 2 of Chapter 31 of the Private Laws of North Carolina, Session of 1915, entitled "An Act to Incorporate the Town of Pink Hill, North Carolina", be and the same is hereby amended by repealing and striking out all of Section 2 of said Chapter and enacting and inserting in lieu thereof the following:

"SEC. 2. The corporate limits of the Town of Pink Hill, North Carolina, shall be described as follows:

Description of boundaries.

Beginning in the Lenoir-Duplin County line at a point in said line intersected by a branch referred to as head of Trent River, being a corner in the line between the lands of L. C. Turner estate and Isaac J. Stroud; and runs thence S. 77 E. 365 feet;

thence S. 86 E. 640 feet; thence S. 78 E. 81 feet; thence S. 83 E. 329 feet to a ditch; thence S. 63 E. 60 feet; thence N. 24-45 E. 1270 feet to the northwest corner of VFW Camp Site cement monument; thence S. 88 E. 150 feet to the northeast corner of VFW Camp Site cement monument; thence N. 2 E. 290 feet to the corner of wire fence, Joe Davis and Clyde Jarman corner; thence S. 75-45 E. 545½ feet to North Carolina Highway No. 11; thence S. 75-45 E. 303½ feet; thence S. 23 E. 375 feet; thence S. 19-50 W. 5870 feet; thence N. 86-15 W.; thence N. 1-15 W. 3418 feet; thence S. 88-45 W. 501.4 feet; thence N. 1-15 E. 501.4 feet; thence N. 88-45 E. 501.4 feet; thence N. 1-15 W. 895 feet to the point of beginning."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1160 CHAPTER 966

AN ACT TO RESTORE THE CHARTER OF THE TOWN OF DEEP RUN IN LENOIR COUNTY AND TO PROVIDE FOR THE INCORPORATION THEREOF.

Preamble: Incorporation of Town of Deep Run, Lenoir County.

WHEREAS, the Town of Deep Run in Lenoir County was incorporated by Chapter 185 of the Private Laws of 1925, as amended by Chapter 171 of the Private Laws of 1927; and

Charter of town permitted to lapse.

WHEREAS, the said Charter of the said Town of Deep Run has been permitted to lapse for a long period of time; and

Petition for restoration of charter.

WHEREAS, a petition has been signed by citizens of the Town of Deep Run asking for the restoration of the charter of the said town: *Now, therefore;*

The General Assembly of North Carolina do enact:

Lenoir County, Town of Deep Run, incorporated.

SECTION 1. That the Town in Lenoir County known as Deep Run be and the same is hereby incorporated under the name and style of "Deep Run" and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns not inconsistent with this Act.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows:

"Beginning at a stake East of the Kinston-Carolina Railroad and runs South 83 West 1582 feet to a stake, South of and near Mrs. Sparrow's house; thence North 7-30 East 2145 feet to a

stake; thence North 83 East 1285 feet to a stake; thence North 5-30 East 1323 feet to a stake; thence North 6-30 East 60 feet to a stake; thence North 8-30 East 100 feet to a stake; thence North 12 East 100 feet to a stake; thence South 73 East 187 feet to the eastern margin of the Kinston-Carolina Railroad right-of-way; thence southward with said eastern margin of the Kinston-Carolina right-of-way 863 feet to a stake; thence North 83 East 1379 feet to a stake, thence South 10 West 660 feet to a stake, thence 87-20 West 1509 feet to a stake, thence South 16-40 West 330 feet to the beginning."

Officers of town; terms.

SEC. 3. That the officers of said corporation shall be a mayor, three commissioners, who shall hold office for a term of two years, and a chief of police, who shall be selected by the commissioners.

Powers of commissioners.

The said commissioners shall have power to pass by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and the United States, and to levy and collect a tax on all subjects of State taxation, and to impose fines for violation of town ordinances and collect the same, and also levy and collect such license and privilege taxes as are provided by law.

Election on proposed incorporation.

SEC. 4. That as soon as practicable after the ratification of this Act the County Board of Elections of Lenoir County shall call an election, which election shall be called prior to the first day of September, 1949, to be held in the territory hereinbefore described, for which election there shall be a registration of the voters of said area and said election shall be held under the rules and regulations governing municipal elections. The County Board of Elections of Lenoir County is hereby authorized, directed and empowered to designate and appoint the appropriate election officials for the purpose of holding said election. At said election there shall be submitted to the qualified voters of the area proposed to be incorporated under the name of the Town of Deep Run the question as to whether the said area shall be so incorporated, those favoring such incorporation shall vote a ballot on which shall be written or printed the words "For Incorporation" and those against incorporation shall vote a ballot on which shall be written or printed the words "Against Incorporation." At the said election a mayor and three commissioners for said town shall also be elected who shall hold office until the next municipal election.

Registration; conduct of election.

Election officials.

Issue submitted.

Form of ballots.

Election of town officials.

Effect of results of election.

SEC. 5. That if, at said election, a majority of the votes cast shall be "For Incorporation" then the area hereinabove described shall be incorporated under the name of the town of "Deep Run," and the candidate for mayor receiving the highest number of votes in said election shall be declared the mayor of said town and the three candidates for commissioners receiving the highest number of votes shall be declared the commissioners of said town, and the provisions of this Act shall be in full force and effect, otherwise, to be null and void.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1167 CHAPTER 967

AN ACT TO PROVIDE FOR CHANGES IN RECORD SYSTEMS AND FILES IN THE DURHAM COUNTY RECORDER'S COURT AND FOR THE DISPOSITION OF OLD RECORDS.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Durham County is hereby authorized and empowered to make such changes in the record system, files, and method of keeping the records in the Durham County Recorder's Court as they deem necessary in order to improve the efficiency in said court; said changes are to be made at the request of the judge and clerk of said court, the expense of same to be paid out of the recorder's court fund. Durham County, change in system of records in Recorder's Court, authorized.

SEC. 2. The Board of County Commissioners of Durham County is hereby authorized and empowered to have all of the oldest records of the Durham County Recorder's Court destroyed; *provided* that no record be destroyed showing receipts and disbursements of money; this being done in order to provide more space in storing the more recent records, said records not to be destroyed until they are at least ten years old and not to be destroyed until the judge and clerk of said court approve such disposition and in no event to be destroyed until the space for more recent records is actually needed. Disposition of old records.

SEC. 3. All laws or clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its date of ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1176 CHAPTER 968

AN ACT TO AMEND H. B. NO. 548, RATIFIED THE 17TH DAY OF MARCH, 1949, AND RELATING TO THE SCHOOLS OF THE GREENSBORO CITY ADMINISTRATIVE UNIT AND TO THE GOVERNING BODY THEREOF.

The General Assembly of North Carolina do enact:

Ch. 385, Session Laws, 1949, Greensboro Public School Code; amended as to references to public-local laws.

SECTION 1. House Bill No. 548, ratified the 17th day of March, 1949, is hereby amended as follows:

1. Paragraph (1) of Section 3 is amended by striking out the words and figures, "last day of February, 1949" and by inserting in lieu thereof the following, "first day of February, 1949".

2. Paragraph (2) of Section 3 is amended by striking out the word "hereto" and by inserting in lieu thereof the word "hereby".

Sec. 4, amended as to membership of board.

3. Sec. 2.2 of Article 2 of the Greensboro Public School Code as it appears in Section 4 of House Bill No. 548 is amended by striking out the name "D. C. Hudgins" and by inserting in lieu thereof the name "D. E. Hudgins".

SEC. 2. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1188 CHAPTER 969

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF 1949 ORIGINALLY HAVING BEEN DESIGNATED AS SENATE BILL NUMBER 155 RELATING TO THE EMPLOYMENT SECURITY LAW AND PROVIDING FOR A REDUCTION IN CONTRIBUTIONS AND EXTENSION OF BENEFITS.

The General Assembly of North Carolina do enact:

Ch. 424, Session Laws, 1949, relating to Employment Security Law amended.

SECTION 1. That certain Act of the General Assembly of 1949 originally designated as Senate Bill No. 155 entitled "An Act to Amend Chapter 96, General Statutes of North Carolina, Known as the Employment Security Law, to Provide for a Reduction in the Rate of Contributions, an Increase in and Extension of Benefit Payments, a Change in the Definition of Employment, and to Further Clarify the Provisions of Said Chapter," as enacted and ratified by the General Assembly on March 21, 1949, be and the same is hereby amended by striking out in Section 12, beginning in line 33 thereof, the following:

Section 12, amended as to transfer of reserve account.

"*Provided further*, in those cases when the successor acquires a distinct and severable portion of the organization, trade, or business of another employing unit as provided in Section 96-8, Subsection (f), paragraph (2), any benefits paid during benefit years in progress on the date upon which the transfer is approved by the commission shall be charged to the reserve account of the predecessor. In those cases in which the reserve account is transferred to the successor in toto, all benefit payments shall be charged to the account of the successor."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. B. 1194 CHAPTER 970

AN ACT TO AMEND SECTION 3, CHAPTER 457 OF THE PUBLIC-LOCAL LAWS OF 1939, RELATING TO THE RECORDER'S COURT OF THE TOWN OF DUNN.

The General Assembly of North Carolina do enact:

Ch. 457, Public-Local Laws, 1939, amended as to salary of Recorder and Solicitor, Recorder's Court, Town of Dunn.

SECTION 1. That Section 3 of Chapter 457 of the Public-Local Laws of 1939, be and the same is hereby amended to read as follows:

"SECTION 3. That said Chapter 598 of the Public-Local Laws of 1911, as amended, be and the same is hereby further amended by striking out the proviso at the end of Section 21 thereof and inserting in lieu thereof the following: *Provided, however*, the salary of the said recorder shall not be less than one hundred and seventy-five dollars ($175.00) nor more than two hundred and twenty-five dollars ($225.00), and the salary of the solicitor of said court shall not be less than one hundred and twenty-five dollars ($125.00) nor more than one hundred and seventy-five dollars ($175.00)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws or phrases or sections of laws, in conflict with the provisions of this Act, to the extent of said conflict are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect on and after July 1, 1949.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

S. B. 184 CHAPTER 971

AN ACT TO AMEND G. S. 28-34, RELATING TO BONDS OF EXECUTORS, ADMINISTRATORS AND COLLECTORS.

The General Assembly of North Carolina do enact:

G. S. 28-34, bonds of executors, administrators and collectors, amended.

SECTION 1. G. S. 28-34 is hereby amended by inserting a new sentence in said Section immediately following the second sentence and immediately preceding the third sentence to read as follows: "Notwithstanding the provisions of the preceding sentence, the Clerk of the Superior Court may, when the value of the assets to be administered by the personal representative exceeds $100,000.00, accept bond in an amount equal to the value of the assets plus ten per cent (10%) thereof."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

S. B. 221 CHAPTER 972

AN ACT TO AMEND G. S. 1-131 SO AS TO MAKE IT CONSISTENT WITH G. S. 1-125.

Preamble: Conflicting provisions of G. S. 1-125 and G. S. 1-131.

WHEREAS, G. S. 1-125 provides that the defendant must answer within thirty days after final judgment overruling a demurrer and,

WHEREAS, G. S. 1-131 provides that in such case answer must be filed within ten days, and

WHEREAS, this inconsistency should be resolved: *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S. 1-131, amended as to answer of defendant after judgment overruling demurrer.

SECTION 1. G. S. 1-131 is hereby amended by striking out the word "ten" wherever it appears in said Section and substituting therefor the word "thirty".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

S. B. 242 **CHAPTER 973**

AN ACT TO AMEND G. S. 81-14.2 RELATING TO COMMODITIES TO BE SOLD BY WEIGHT, MEASURE OR NUMERICAL COUNT.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 81-14.2, as the same appears in the 1947 Cumulative Supplement to the General Statutes of North Carolina, is hereby amended by rewriting the first sentence thereof so as to read as follows:

G. S. 81-14.2, commodities to be sold by weight, measure or numerical count, amended.

"It shall be unlawful to sell except for immediate consumption by the purchaser, on the premises of the seller, liquid commodities in any other manner than by weight or liquid measures, or commodities not liquid in any other manner than by measure of length, by weight, or by numerical count."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

S. B. 282 **CHAPTER 974**

AN ACT TO PROVIDE FOR BETTER REGULATION AND ENFORCEMENT OF THE LAWS RELATING TO THE SALE AND DISTRIBUTION OF MALT BEVERAGES AND TO PLACE THE CONTROL THEREOF UNDER THE STATE BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 18, Article 8, of the General Statutes of North Carolina by adding at the end of Article 8, as amended by the Session Laws of 1947, a new Section to be designated 18-109.1 as follows:

G. S. Ch. 18, regulation of intoxicating liquors, amended.

G. S. 18-109.1, enacted.

18-109.1. The State Board of Alcoholic Control shall be referred to herein as "The Board", and said Board in addition to all powers now conferred upon it by law is hereby vested with additional powers to regulate the distribution and sale of malt beverages as follows:

Power of State Board of Alcoholic Control to regulate distribution and sale of malt beverage.

The distribution and sale of beer in this State shall be subject to all existing laws and the following additional authority and powers are hereby expressly granted to The Board.

Express powers of board as to distribution and sale of beer.

Determination of qualifications of applicant for permit.

The Board shall have the sole power, in its discretion, to determine the fitness and qualifications of an applicant for a permit to sell, manufacture or bottle beer. The Board shall inquire into the character of the applicant, the location, general appearance and type of place of business of the applicant. All resident bottlers or manufacturers of beer and all resident wholesalers and retailers of beer shall file a written application for a permit with the State Board of Alcoholic Control, and in the application shall state under oath therein:

Application for permit.

Contents.

Name and residence of applicant.

(1) The name and residence of the applicant and the length of his residence within the State of North Carolina;

Designation of place for which license is desired.

(2) The particular place for which the license is desired, designating the same by a street and number if practicable; if not, by such other apt description as definitely locates it; and if said place is outside a municipality within the county, the distance to the nearest church or public or private school from said place;

Name of owner of premises.

(3) The name of the owner of the premises upon which the business licensed is to be carried on, and, if the owner is not the applicant, that such applicant is the actual and bona fide lessee of the premises;

Building regulations.

(4) That the place or building in which it is proposed to do business conforms to all laws of health and fire regulations applicable thereto, and is a safe and proper place or building;

Supervision of business.

(5) That the applicant intends to carry on the business authorized by the permit for himself or under his immediate supervision and direction;

Applicant a bona fide resident of State; age requirement.

(6) That the applicant has been a bona fide resident of this State for a period of at least one year immediately preceding the date of filing his application and that he is not less than twenty-one years of age;

Birthplace of applicant; citizenship.

(7) The place of birth of applicant and that he is a citizen of the United States, and, if a naturalized citizen, when and where naturalized;

Applicant has no criminal record, etc.

(8) That the applicant has never been convicted of a felony or other crime involving moral turpitude; and that he has not, within the two years next preceding the filing of the application, been adjudged guilty of violating the prohibition or liquor laws, either State or Federal;

Applicant has not had prior permit or license revoked.

(9) That the applicant has not during five years next preceding the date of said application had any permit or license issuable hereunder or any license issued to him pursuant to the laws of this State, or any other state, to sell alcoholic beverages of any kind revoked;

(10) That the applicant is not the holder of a Federal Special Tax Liquor Stamp; Applicant not holder of Federal Special Tax Liquor Stamp.

(11) If the applicant is a firm, association or partnership the application shall state the matters required in Subsections 6, 7, 8 and 9, with respect to each of the members thereof, and each of said members must meet all of the requirements in said Subsections provided; Requirements in event applicant a firm, association, etc.

(12) If the applicant is a corporation, organized or authorized to do business in this State, the application shall state the matters required in Subsections 7, 8 and 9, with respect to each of the officers and directors thereof, and any stockholder owning more than twenty-five per cent (25%) of the stock of such corporation, and the person or persons who shall conduct and manage the licensed premises for the corporation, and each of said persons must meet all the requirements in said Subsections provided; *provided, however,* that the requirement as to resident shall not apply to said officers, directors, and stockholders of such corporation, but such requirement shall apply to any such officer, director or stockholder, agent or employee who is also the manager and in charge of the premises for which permit is applied for. Requirements if applicant is corporation.

SEC. 2. The application must be verified by the affidavit of the applicant made before a notary public or other person duly authorized by law to administer oaths. The foregoing provisions and requirements are mandatory prerequisites for the issuance of a permit and in the event any applicant fails to qualify under the same, or if any false statement is knowingly made in any application, permit shall be refused. If a permit is granted on any application, containing a false statement knowingly made, said permit shall be revoked and the applicant upon conviction shall be guilty of a misdemeanor and subject to the penalty provided by law for misdemeanors. In addition to the information furnished in any application, the Chief of Malt Beverage Division shall make such additional and independent investigation of each applicant, and of the place to be occupied, as deemed necessary or advisable. Application must be verified.

Refusal of permit upon failure of applicant to qualify.

Revocation of permit issued on false statement; penalty for false statement.

Independent investigation of applicant.

SEC. 3. If an applicant, after obtaining a permit, shall procure a Federal Special Tax Liquor Stamp, The Board shall revoke his permit forthwith. Permit revoked if Federal Special Tax Liquor Stamp procured.

SEC. 4. Every person intending to apply for any permit to sell beer at retail hereunder shall, not more than thirty (30) days and not less than ten (10) days before applying to The Board for such permit, give written notice of such intention to the county and municipal authorities in which applicant proposes to maintain his business, and shall post a notice of such intention on the front door of the building, place or room where he proposes to engage in such business, or publish such notice at least once in a newspaper published in or having a general cir- Written notice to local authorities of intent to apply for permit.

Posting or publication of notice.

culation in the county, city or town wherein such persons propose to engage in such business.

Objections to issuance of permit.

Hearing upon objections.

Any objections to the issuance of the permit to an applicant shall be filed in writing with The Board and The Board shall not refuse to grant any such permit except upon a hearing, if requested in writing by applicant, held after ten (10) days notice to the applicant of the time and place of such hearing, which notice shall contain a statement of the objections to granting such permit and shall be served on the applicant by sending same to the applicant by registered mail to the address given in his application. The applicant shall have the right to produce evidence in his behalf at the hearing and be represented in person or by counsel.

Status of persons holding license to sell beer at time of ratification of this Act.

SEC. 5. All persons holding a license to sell beer at retail at the time of the ratification of this Act shall be deemed to have complied with all the requirements of The Board in filing application for a permit to sell beer at retail; *provided, however,* that such licensee shall make application for permit in the manner prescribed in this Act on or before June 30, 1949, and upon failure to make such application, such license held by such retailer shall be void.

Certification of permits issued to Dept. of Revenue.

SEC. 6. The Board shall certify to the Department of Revenue the names, locations and addresses of all persons to whom The Board has issued permits, and no license issued to an applicant (subject, however, to the provisions of Section 5 hereof) shall be valid until the applicant has obtained the permit as provided by this Act.

Issuance of license by Commissioner of Revenue.

Provided, however, that when a permit has been issued by The Board the permittee, upon payment of fees now provided by law, shall have license issued to him by the Commissioner of Revenue and by the governing body of any county or municipality wherein said permittee shall conduct his business. In all cases

Effect of revocation of permit by Board.

where a permit is revoked by The Board, such revocation shall render void any State, county or municipal license issued hereunder and in the event any county or municipality through its governing body shall for cause revoke any license such revocation shall automatically revoke any other malt beverage license or permit held by the licensee.

Jurisdiction of county or municipality with respect to revocation of licenses.

Provided, further, however, that the jurisdiction herein conferred upon The Board to revoke or suspend permits shall not preclude the governing body of any county or municipality from revoking or suspending the license of any retail licensee within its jurisdiction for violating any existing law regulating the sale of malt beverages or of the provisions of this Act. In any proceeding before such governing body for the revocation or suspension of a retailer's license, the licensee shall be given due notice of the charges against him and be given an opportunity to appear personally and by counsel in his defense.

Suspension or revocation of permit upon personal disqualification, etc.

SEC. 7. The Board may suspend or revoke any permit issued by it if in the discretion of The Board it is of the opinion that the permittee is not a suitable person to hold such permit or that the place occupied by the permittee is not a suitable place.

Hearing upon suspension or revocation of permit.

SEC. 8. Before The Board may suspend or revoke any permit issued under the provisions of this Act, at least ten (10) days notice of such proposed or contemplated action by The Board shall be given to the affected permittee. Such notice shall be in writing, shall contain a statement in detail of the grounds or reasons for such proposed or contemplated action of The Board, and shall be served on the permittee by sending the same to such permittee by registered mail to his last known post office address. The Board shall in such notice appoint a time and place when and at which the said permittee shall be heard as to why the said permit shall not be suspended or revoked. The permittee shall at such time and place have the right to produce evidence in his behalf and to be represented by counsel.

Rules and regulations for enforcement of provisions herein.

SEC. 9. The Board is hereby vested with power to adopt rules and regulations for carrying out the provisions of this Article, but not inconsistent herewith, and to amend or repeal such regulation. Every regulation or amendment thereto adopted by The Board shall become effective on the tenth day after the date of its adoption and the filing of a certified copy thereof in the office of the Secretary of State.

Effect of Act on existing local regulations as to sale of beer.

SEC. 10. Nothing in this Act shall require any county or municipality to issue licenses for any territory where the sale of beer is prohibited by special legislative act or for any area where the sale or possession for the purpose of sale of beer is unlawful as a result of local option election, and this Act shall not repeal any Special, Public-Local or Private Act prohibiting the sale of beer in any county in this State, or any Act authorizing the board of commissioners of any county of this State, or the governing body of any municipality, in its discretion, to prohibit the sale of beer.

Appointment of Chief of Malt Beverage Division; duties.

SEC. 11. (a) To more adequately insure the strict enforcement of the regulations of The Board and of the provisions of this Act, The Board shall appoint a person to be known and designated as "Chief of Malt Beverage Division", who shall be in charge of the administration of such division and who shall be paid such compensation as The Board with the approval of the Governor shall fix. Said Board in addition to said Chief of Malt Beverage Division may appoint one or more assistants to the Chief of the Malt Beverage Division, all of whom shall have full authority to make investigations, hold hearings and to make findings of fact. Upon the approval of the said Board of the findings and orders of suspension or revocation of the permit of any licensee, such findings of said chief, assistant or assistants shall be deemed to be the findings and the order of The Board.

Assistants to Chief; powers and duties.

Appointment of "inspectors."

The Board shall employ an adequate number of field men to be designated as "inspectors", not less than fifteen (15) in number who shall devote their full time to the enforcement of the provisions of this Act and such rules and regulations as may be promulgated thereunder by The Board.

Powers and duties of inspectors.

(b) Such inspectors shall investigate the operation of the licensed premises of all persons licensed under this Act, examine the books and records of such licensee, procure evidence with respect to the violation of this Act or any rules and regulations adopted thereunder and perform such other duties as The Board may direct. Such inspectors shall have the right to enter any such licensed premises in the State in the performance of their duty at any hour of the day or night when beer is being sold or consumed on such licensed premises. Refusal by such permittee or by any employee of a permittee to permit such inspectors to enter the premises shall be cause for revocation or suspension of the permit of such permittee. The inspectors so appointed shall, after taking the oath prescribed for peace officers, have the same power and authority in the enforcement of this Act as other peace officers. Such inspectors shall be paid such compensation as may be fixed by The Board with the approval of the Governor.

Use of ABC officers as inspectors.

(c) All Alcoholic Beverage Control officers now employed or who may hereafter be employed may be used by The Board as inspectors in counties and cities having Alcoholic Beverage Control stores in addition to the other inspectors provided for under this Act, and shall be vested with all powers and authority as herein vested in inspectors.

Sale of beer during certain hours prohibited.

SEC. 12. No beer shall be sold between the hours of 11:00 P. M. and 7:30 A. M. and no permit shall authorize sale thereof during said hours.

Places of business of permit holders.

SEC. 13. The Board shall require that all retail permit holders keep their places of business clean, well lighted and in an orderly manner.

G. S. 18-78, as to revocation and suspension of license, amended.

SEC. 14. Section 18-78 of the General Statutes is hereby amended as follows:

(1) By striking out of lines 24 and 25 the words "Commissioner of Revenue" and inserting in lieu thereof the words "State Board of Alcoholic Control".

Powers of Board to adopt rules and regulations; revoke and suspend licenses, etc.

(2) By rewriting the second paragraph of said Section to read as follows: "The State Board of Alcoholic Control shall have the power to adopt, repeal and amend rules and regulations to carry out the provisions of this Article and to revoke or suspend the State permit of any licensee for a violation of the provisions of this Article or of any rule or regulation adopted by said Board. Whenever there shall be filed with the State Board of Alcoholic Control a certified copy of a judgment of a court convicting a

licensee of a violation of the prohibition laws, of any provision of this Article or of any rule or regulation issued by said Board, said Board shall forthwith revoke the permit of such licensee. The revocation or suspension of a permit issued by the State Board of Alcoholic Control shall automatically revoke or suspend any and all State, county and municipal licenses issued to such licensee under the authority of this Article, and the revocation or suspension of either a State, county or municipal license shall automatically revoke or suspend any other licenses issued to the licensee under the authority of this Article.

G. S. 18-78.1, amended as to procedure for revocation or suspension of licenses.

SEC. 15. Section 18-78.1 of the General Statutes is hereby amended by striking out all of said Section following line 26 of said Section, which reads, "which is not authorized under his license".

Appropriation for Malt Beverage Division.

SEC. 16. Appropriation for Malt Beverage Division. For the efficient administration and enforcement of this Article, an appropriation is hereby made for the use of the State Board of Alcoholic Control, which appropriation shall be in addition to the appropriation to the State Board of Alcoholic Control in the biennial appropriation Acts, of a sum in an amount not less than three per cent (3%) and not more than five per cent (5%) of the total malt beverage taxes collected by the Commissioner of Revenue, the percentage within the limitations herein provided to be determined by the State Board of Alcoholic Control and certified to the Director of the Budget. The appropriation herein provided shall be deducted before the distribution as provided under Subsection (t) of Section 18-81, G. S., is made. The Director of the Budget shall estimate the amount of the appropriation to be provided by the percentage of collections requested by State Board of Alcoholic Control and shall make advance allocation based upon such estimate, and the enforcement fund provided by such appropriation shall be set up in a special fund to be designated as "The Malt Beverage Control and Enforcement Fund".

Application of Act.

SEC. 17. This Act shall apply to all licenses to be issued for the license tax year 1949-1950 and thereafter.

Conflicting laws repealed.

SEC. 18. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 19. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

S. B. 72 CHAPTER 975

AN ACT AUTHORIZING CLERKS OF THE SUPERIOR COURT TO FIX THE PAY OF COMMISSIONERS DIVIDING LANDS AT A SUM NOT TO EXCEED TEN DOLLARS PER DAY.

The General Assembly of North Carolina do enact:

Special proceedings for partition; compensation of commissioners.

SECTION 1. The Clerk of the Superior Court is hereby authorized to fix the compensation of commissioners for the partition or division of lands at a sum not in excess of six dollars ($6.00) per day each for the time devoted to the performance of their duties as such commissioners.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 135 CHAPTER 976

AN ACT TO REWRITE SECTION 110-40 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO APPEALS FROM ORDERS AND JUDGMENTS OF THE JUVENILE COURT.

The General Assembly of North Carolina do enact:

G. S. 110-40, amended.

SECTION 1. Section 110-40 of the General Statutes of North Carolina is hereby rewritten to read as follows:

Appeal from judgment or order of juvenile court.

"An appeal may be taken from any judgment or order of the juvenile court to the Superior Court having jurisdiction in the county by the parent or, in case there is no parent, by the guardian, custodian or next friend of any child, or by any adult described in Sections 110-38 and 110-39 of this Article on behalf of any child whose case has been heard by the juvenile court.

Notice of appeal.

Written notice of such appeal shall be filed with the juvenile court within five days after the issuance of the judgment or order of such court.

Statement of case on appeal by judge of juvenile court.

"On receipt of notice of such appeal the judge of the juvenile court shall, within five days thereafter, prepare, sign, and file with the record of the case a statement of the case on appeal, together with his decision, and notice of the appeal, and exhibit such statement to the parties or their attorneys upon request. If either party excepts or objects to the statement as partial, inadequate, or erroneous he must put his exceptions or objections

in writing, and file the original and two copies thereof with the judge of the juvenile court within ten days of the filing by the judge of a statement of case on appeal. The judge of the juvenile court shall forthwith transmit his statement of the case on appeal and any exceptions or objections thereto to the resident judge of the district or to the judge holding the courts of the district.

Exceptions or objections to statement.

Transmission of statement and exceptions or objections to Judge of Superior Court.

"The Judge of the Superior Court shall on receiving a statement or record of appeal from the juvenile court hear and determine the questions of law or legal inference and the judge shall deliver to the Clerk of the Superior Court of the county in which the action or proceeding is pending his order or judgment. The Clerk of the Superior Court shall immediately notify the judge of the juvenile court of the order or judgment.

Hearings on questions of law involved.

Judgment on appeal.

"Where the appeal is to the Superior Court upon issues of fact, either party may demand that the same be tried at the first term of said court after the appeal is docketed in said court, and said trial shall have precedence over all other cases except the cases of exceptions to homesteads and the cases of summary ejectment: *Provided,* that said appeal shall have been docketed prior to the convening of the said court: *Provided further,* that the presiding judge may take up for trial in advance any pending case in which the rights of the parties or the public require it."

Trial of cases appealed upon issues of fact.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 139 CHAPTER 977

AN ACT TO AMEND CHAPTER 1006 OF THE SESSION LAWS OF 1947, AS THE SAME RELATES TO PROOF OF FINANCIAL RESPONSIBILITY AFTER SUSPENSION OR REVOCATION OF OPERATORS' AND CHAUFFEURS' LICENSES, BY LIMITING THE PERIOD OF TIME FOR PROOF OF FINANCIAL RESPONSIBILITY.

The General Assembly of North Carolina do enact:

SECTION 1. Sections 7 and 8 of Chapter 1006 of the Session Laws of 1947 are hereby amended by striking out the period in the last line of each of said Sections after the word "Act", inserting a comma in lieu thereof, in each case, and adding the following in each such Section:

Ch. 1006, Session Laws, 1947, Motor Vehicle Safety and Responsibility Act, amended.

Proof of financial responsibility upon revocation or suspension of license.

"*Provided,* in order to maintain the validity of any such reissuance or reinstatement, such person shall not be required to maintain such proof of financial responsibility, under this Act, for more than two years after the reissuance or reinstatement of such license."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 140 **CHAPTER 978**

AN ACT TO AMEND SECTION 106-233 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO ALLOW THE USE OF THE WORD "MARGARINE" IN PLACARDS AND LABELS, TO REPEAL CERTAIN SECTIONS OF CHAPTER 106 OF THE GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, SO AS TO PERMIT THE SERVING OF YELLOW OLEOMARGARINE IN PUBLIC EATING PLACES AND TO ABOLISH THE REQUIREMENT OF A LICENSE TO MANUFACTURE OR SELL YELLOW OR WHITE OLEOMARGARINE, TO AMEND SECTION 106-236 OF THE GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, SO AS TO PROVIDE REQUIREMENTS FOR THE POSITIVE IDENTIFICATION OF YELLOW OLEOMARGARINE, AND TO AMEND SECTION 106-237 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR THE ENFORCEMENT OF THE STATUTES RESPECTING OLEOMARGARINE.

The General Assembly of North Carolina do enact:

G. S. 106-233, amended as to definition of "oleomargarine."

SECTION 1. That Section 106-233 of the General Statutes of North Carolina is hereby amended by adding a new sentence to Subsection (c) thereof, to read as follows: "As used in this Article, the term "oleomargarine" shall be deemed applicable to the food product known as margarine and any requirement herein contained for labeling or display of the word "oleomargarine" shall be deemed sufficiently complied with by the use of the word "margarine."

G. S. 106-234, sale of colored oleomargarine prohibited, repealed.

SEC. 2. That Section 106-234 of the General Statutes of North Carolina, as amended by Chapter 523 of the Session Laws of 1945 be, and the same is hereby, repealed.

SEC. 3. That Section 106-235 of the General Statutes of North Carolina, as amended by Chapter 523 of the Session Laws of 1945, be amended by striking out the words and figures "seventy-five dollars ($75.00)" and inserting in lieu thereof the words and figures "twenty-five dollars ($25.00)". G. S. 106-235, license to sell uncolored margarine, amended.

SEC. 4. (a) That Section 106-236 of the General Statutes of North Carolina, as amended by Chapter 523 of the Session Laws of 1945 be, and the same is hereby, amended to read as follows: G. S. 106-236, amended.

"106-236 (a) Display of Signs.—It shall be unlawful for any person or any agent thereof to sell or offer, or expose for sale, or have in possession with intent to sell, any oleomargarine which is not marked and distinguished by the word oleomargarine on the outside of each tub, package, or parcel. Display of signs.

(b) Notice in Public Eating Places.—No person shall possess in a form ready for serving yellow oleomargarine at a public eating place unless a notice that oleomargarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than normally used to designate the serving of other food items; and no person shall serve yellow oleomargarine at a public eating place, whether or not any charge is made therefor, unless each separate serving bears or is accompanied by labeling identifying it as oleomargarine." Notice in public eating places.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 160 CHAPTER 979

AN ACT TO AMEND G. S. 160-178 SO AS TO CLARIFY THE PROVISIONS THEREOF WITH RESPECT TO THE APPOINTMENT OF ALTERNATE MEMBERS ON BOARDS OF ADJUSTMENT.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 160-178, as it appears in the 1947 Supplement to the General Statutes, is amended by inserting after the word "appoint" and before the word "two" in line 13 of said Section the words "not more than." G. S. 160-178, amended as to appointment of alternate members of municipal boards of adjustment.

SEC. 2. G. S. 160-178, as it appears in the 1947 Supplement to the General Statutes, is further amended by striking out the words "two alternate" in line 15 of said Section and inserting in lieu thereof the words "alternate member or."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 208 CHAPTER 980

AN ACT TO AMEND CHAPTER 35 OF THE GENERAL STATUTES, RELATING TO CONFINEMENT AND HEARINGS FOR INEBRIATES.

The General Assembly of North Carolina do enact:

G. S. 35-31, as to petition for confinement of inebriates, amended.

SECTION 1. G. S. 35-31 is hereby amended by adding the following two paragraphs at the end of said Section:

Provision for temporary confinement pending hearing.

"If the petition or supplemental affidavit, filed pursuant to this Section, states that the alleged inebriate's condition is such as to endanger either himself or others, or if the sheriff or other person serving the warrant, or the clerk who issued the warrant, believes that the alleged inebriate's condition is such as to endanger either himself or others, the clerk may order that such inebriate be confined in the county jail, or in a place specifically designed for the care and confinement of such persons, until he is judicially declared to be or not to be an inebriate and, if found to be an inebriate, until he (or she) is accepted as a patient in the proper State institution or until he is otherwise discharged according to law.

Hearing before Clerk Superior Court.

"The hearing before the Clerk of the Superior Court shall be held at the courthouse at such time and upon such notice to the alleged inebriate, as the clerk may determine."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 219 CHAPTER 981

AN ACT TO PROVIDE FOR THE SUPERVISION AND PROMOTION OF MUSIC IN THE PUBLIC SCHOOLS OF NORTH CAROLINA AND IN THE COMMUNITIES IN WHICH THEY ARE LOCATED THROUGH ESTABLISHMENT IN THE DEPARTMENT OF PUBLIC INSTRUCTION OF A POSITION OF SUPERVISOR OF MUSIC EDUCATION AND TO PROVIDE SUPPORT FOR SUCH A POSITION BY THE APPROPRIATION OF SEVENTY FIVE HUNDRED DOLLARS PER ANNUM.

The General Assembly of North Carolina do enact:

Supervisor of Music Education; Department of Public Instruction, authorized.

Duties of supervisor.

SECTION 1. That there be established in the Department of Public Instruction in the Division of Instructional Service a position to be known as Supervisor of Music Education in which shall be provided a person who shall give full time to the supervision and promotion of music education in the public schools of North Carolina and in the various communities in which said public schools are located. It shall also be the duty of said supervisor to work with the music departments of the colleges and universities of the State in which music education and other activities in music are carried on and to cooperate with the North Carolina Symphony Society, the North Carolina Recreation Commission, and other agencies, clubs, and organizations interested in the promotion of music in the State.

Appropriation for compensation, etc., of supervisor.

SEC. 2. That there is hereby appropriated of the General Fund of the State the sum of seventy-five hundred dollars ($7,500) annually to provide for the salary, travel, and other expenses of the supervisor herein provided.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1, 1949.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 243 CHAPTER 982

AN ACT TO AUTHORIZE THE BOARD OF AGRICULTURE TO PROMULGATE RULES AND REGULATIONS RELATING TO STANDARDS OR UNITS OF WEIGHTS OR MEASUREMENT.

The General Assembly of North Carolina do enact:

G. S. 81-8.1, enacted.

Board of Agriculture. Authority to prescribe standards for sale of milk or milk products.

SECTION 1. G. S. 81-8.1. The Board of Agriculture is hereby authorized and empowered to adopt and promulgate, after due notice and hearing, rules and regulations prescribing standards or units of weight or measurement by which milk, cream or other fluids containing milk or milk products may be sold at retail in bottles or other capped or sealed containers, and the sale thereof by any other standards or units of weight or measurement shall be unlawful.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 244 CHAPTER 983

AN ACT TO AMEND ARTICLES IV AND V OF CHAPTER 81 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO PUBLIC WEIGHMASTERS AND SCALE MECHANICS.

The General Assembly of North Carolina do enact:

G. S. 81-37, application of Public Weigh Master for license permit, amended.

SECTION 1. G. S. 81-37 is hereby amended by inserting the words "under oath" between the words "application" and "as" in line 6 of said Section.

G. S. 81-37 is hereby further amended by striking out all of said Section beginning with line 20 and extending through line 28.

G. S. 81-58, penalty for violation of provisions of Act regulating scale mechanics, amended.

SEC. 2. G. S. 81-58 as amended by Chapter 380 of the Session Laws of 1947, is hereby further amended by adding in line 5 of said Section 81-58 as the same appears in the 1947 Supplement to the Session Laws of 1947, after the words "scale mechanic" the following: "or who shall fail to issue a service certificate or who shall issue a service certificate bearing false statements regarding service rendered."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 245 **CHAPTER 984**

AN ACT TO CLARIFY AND CORRECT CERTAIN TECHNICAL ERRORS IN ARTICLE I, CHAPTER 81 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO UNIFORM WEIGHTS AND MEASURES.

The General Assembly of North Carolina do enact:

SECTION 1. Article 1, Chapter 81 of the General Statutes of North Carolina is hereby amended as follows: G. S. Ch. 81, Weights and Measures, amended.

SEC. 81-2. Strike out the first two words in the second sentence "In administering" and insert in lieu thereof the words "For the purpose of administering and giving effect to". Amend further by inserting between the word "such" and the word "rules" in line 14 the word "further"; insert a comma between the word "article" and the word "and" in line 16; insert after the word "or" and before the words "for hire or award" in line 20 the words "any equipment used"; strike out the word "and" between the word "weight" and the word "measure" in line 23 and insert the word "or" and insert a comma after the word "measure". G. S. 81-2, administration of Article relating to uniform weights and measures, amended.

81-2.1 Insert a comma after the phrase in parenthesis between the words "order" and "Standards"; strike out the word "and" between the word "commodity" and the words "in any instance"; strike out the word "act" between the words "provided that this" and the words "does not authorize" and insert in lieu thereof the word "section". G. S. 81-2.1, authority of board to establish standards of weights and measures, amended.

81-3 Insert in line 13 between the words "by the state" and the words "to be approved" the words "and said bond". G. S. 81-3, employment of superintendent of weights and measures, amended.

81-4 Strike out the word "provided "in lines 2 and insert in lieu thereof the word "paid". G. S. 81-4, salaries and expenses, amended.

81-5 Insert a comma in line 3 after the word "measures" and before the words "the appointment". G. S. 81-5, relating to local standard keepers, amended.

81-6 Strike out the word "apparatus" wherever it may appear and insert in lieu thereof the word "equipment". G. S. 81-6, receipts for fees, etc., amended.

G. S. 81-8, standards of weights and measures, amended.

81-8 Strike out the phrase "one thousand eight hundred and twenty-six" in lines 3 and 4 and insert in lieu thereof the phrase "one thousand eight hundred and thirty-six".

G. S. 81-9, supervision of devices, amended.

81-9 Strike out the word "a" in line 2 between the words "keep" and "general" and the comma in line 5 between the words "deputies" and "or inspectors".

G. S. 81-14.4, standard weight packages of flour, etc., amended.

81-14.4 (paragraph 2) Strike out the words "The term 'flour' as said herein" and insert in lieu thereof "The term 'flour' as used herein".

G. S. 81-18, acts and omissions declared misdemeanor, amended.

81-18 In lines 36 and 37 strike out the words "any provisions of this Article" and insert in lieu thereof the words "any provision, rule, regulation, code or order made and/or adopted as provided for by this Article".

G. S. 81-22, certain measures regulated, amended.

SEC. 81-22 Strike out the words and figures "Sec. 81-24" in the second line of G. S. 81-22, and insert in lieu thereof the words and figures "Sec. 81-23".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 246 **CHAPTER 985**

AN ACT TO REGULATE THE PACKING OF FLOUR AND GRAIN CEREAL PRODUCTS IN SECONDHAND CONTAINERS AND TO PREVENT THE CONTAMINATION OF BAKERY PRODUCTS BY EXPOSURE TO TRINKETS, SOUVENIRS AND OTHER EXTRANEOUS OBJECTS.

The General Assembly of North Carolina do enact:

G. S. Ch. 106, Art. 22, inspection of bakeries, amended.

SECTION 1. Amend Article 22 of Chapter 106 of the General Statutes by adding immediately after G. S. 106-225 and before G. S. 106-226 two Sections which shall be designated as Sections 106-225.1 and 106-225.2, and which two Sections shall read as follows:

G. S. 106-225.1. Bakery products containing souvenirs, trinkets, etc., which may endanger consumers, prohibited.

"SEC. 106-225.1. No bread or other bakery product shall contain or have in direct contact with it trinkets, metal objects, money, pictures, cardboard cutouts, balloons or other objects or materials, by way of souvenirs, premiums or otherwise, which may endanger consumers by contamination arising from insanitation, from contact with printing inks, paints or other coatings, materials or substances which are not suitable for contact with

food or which may in any way expose consumers to danger of injury because of biting into or swallowing such materials or objects: Except, that these provisions shall not be interpreted to prohibit the safe and proper use of such items as cake supports, decorations and trimmings or the placing of such objects as dishes and spoons in unfinished foods when this is done in a manner which in no way endangers consumers. Exceptions.

"SEC. 106-225.2. No person, firm, association, or corporation, and no flour, corn or other cereal mill, or the owner or operator of same, and no bakery or food processing establishment, or the owner or operator of same, shall do, or suffer or permit to be done, any of the following acts: G. S. 106-225.2. Regulation of sale of grain cereal products.

(a) Sell or offer for sale any flour, corn meal, or other grain cereal product for human consumption which has been packed in bags or containers that have been previously used for any purpose, or Sale or offer for sale in containers previously used.

(b) Use any except new bags or other new containers for the packing of flour, corn meal or other grain cereal products for human consumption, or Use of any except new containers.

(c) Import, ship, or cause to be shipped into the State of North Carolina any flour, corn meal or other grain cereal product for human consumption unless such products are packed in new bags or other new containers which have not been previously used, or Transporting into State any grain cereals not packed in new containers.

(d) Use in foods for human consumption any flour, corn meal or other grain cereal product which has been packed in used bags or in other containers which have been previously used." Use of grain cereals packed in used container.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 291 **CHAPTER 986**

AN ACT TO AMEND CHAPTER 35 OF THE GENERAL STATUTES OF NORTH CAROLINA BY PROVIDING FOR THE APPOINTMENT OF ANCILLARY GUARDIANS FOR INCOMPETENT NON-RESIDENTS HAVING REAL PROPERTY SITUATE IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. Ch. 35, Insane persons and Incompetents, amended.

SECTION 1. Chapter 35, General Statutes of North Carolina, is hereby amended by adding directly after Section 35-3 thereof the following:

G. S. 35-3.1. Appointment of ancillary guardian for insane or incompetent non-resident having real property in State.

"35-3.1. Whenever it shall appear by petition, application, and due proof to the satisfaction of any Clerk of the Superior Court of North Carolina that:

(1) there is real property situate in the county of said clerk in which a nonresident of the State of North Carolina has an interest or estate;

(2) that said nonresident is insane or incompetent and that a guardian has been appointed and is still serving for him or her in the state of his or her residence; and

(3) that such incompetent or insane non-resident has no guardian in the State of North Carolina;

Such Clerk of the Superior Court before whom such petition, application and satisfactory proof is made shall thereupon be fully authorized and empowered to appoint in his county an ancillary guardian, which guardian shall have all the powers, duties and responsibilities with respect to the estate of said insane person, or incompetent, in the State of North Carolina as guardians otherwise appointed now have; and such ancillary guardian shall annually make an accounting to the court in this State and remit to the guardian in the state of the ward's residence any net rents of said real estate, or any proceeds of sale, to the guardian of the state of residence of said insane person, or incompetent.

Powers and duties of guardian.

Accounting by guardian.

Proof of incompetency and insanity.

A transcript of the record of any court of record appointing a guardian of a nonresident in the state of his residence shall be conclusive proof of the fact of incompetency or insanity and of the appointment of such guardian of the residence of the insane person or incompetent. *Provided,* that such transcript shall show that such guardianship is still in effect in the state of the ward's residence, and that the incompetency of the ward still exists.

Notice of appointment of ancillary guardian.

Upon the appointment of an ancillary guardian in this State under this Act, the Clerk of the Superior Court shall forthwith notify the Clerk of the Superior Court of the county of the

ward's residence, and shall also notify the guardian in the state of the ward's residence."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 351 CHAPTER 987

AN ACT AMENDING SECTION 160-378 OF THE GENERAL STATUTES, BEING A PART OF THE MUNICIPAL FINANCE ACT 1921, RELATING TO THE FUNDING OF INTEREST ON BONDS AND APPLICABLE ONLY TO THE TOWN OF WALNUT COVE AND TO THE TOWN OF COLUMBUS.

The General Assembly of North Carolina do enact:

SECTION 1. The last sentence of Section 160-378 of the General Statutes, as amended, and as the same appears in the 1947 Cumulative Supplement of said General Statutes, is hereby amended to read as follows: "No interest accruing after the year 1950 shall be funded or refunded." G. S. 160-378, Municipal Finance Act, amended as to funding and refunding of municipal debts.

SEC. 2. The provisions of this Act shall apply only to the Town of Walnut Cove and to the Town of Columbus. Application of Act.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict. Conflicting laws repealed.

SEC.. 4 This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 403 CHAPTER 988

AN ACT FOR THE PROTECTION OF MAPS OR PLATS FILED FOR REGISTRATION IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In order to permanently preserve all maps or plats of land required or desired to be recorded in the office of the Register of Deeds in the County of Edgecombe, all such maps or Edgecombe County, preparation of maps or plats for registration in office of Register of Deeds.

plats so offered for registration must be prepared upon tracing cloth with black water proof drawing ink, or a black or brown line print made on cloth known to the trade as medium thick, or a photostat print thereof made on cloth known to the trade as medium thick.

Requirements as to size.

SEC. 2. Each and every one of said plats or maps so offered for registration shall be in either of the following sizes:

(a) Outside dimension 12 inches by 18 inches.

(b) Outside dimension 20 inches by 30 inches.

(c) Outside dimension 17½ inches by 22 inches.

Each and every one of said maps or plats shall have a margin at the left end of not less than three inches wide.

Books for maps or plats.

SEC. 3. The Board of Commissioners of Edgecombe County are hereby authorized to furnish the necessary books or binders for said maps or plats, and the register of deeds of said county shall not be required to accept for registration any map or plat which does not conform with the requirements of this Act. The registration fee prescribed by law shall be charged and collected for each and every map so registered.

Registration fee.

Retracing of recorded maps.

SEC. 4. The commissioners of said county are hereby authorized and empowered to have the maps or plats now filed in said office retraced or repaired to conform to the provisions of this Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 280 CHAPTER 989

AN ACT TO REPEAL ARTICLE 2, CHAPTER 62, GENERAL STATUTES OF NORTH CAROLINA OF 1943, AND TO AMEND, CLARIFY AND REWRITE THE LAW GOVERNING PROCEDURE BEFORE THE NORTH CAROLINA UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

G. S. Ch. 62, Art. 2, procedure before Utilities Commission, rewritten.

SECTION 1. Article 2, entitled "Procedure before the commission," Chapter 62 of the General Statutes, is hereby repealed and the following substituted in lieu thereof:

G. S. 62-11. Short title.

"G. S. 62-11. Short title. This Act shall be known and may be cited as the North Carolina Utilities Commission Procedure Act of 1949.

"G. S. 62-12. Commission constituted a court of record. For the purpose of making investigations, conducting hearings, making decisions and issuing orders, the commission is hereby constituted a court of record and shall have all the powers and jurisdiction of a court of general jurisdiction as to all subjects over which the commission has or may hereafter be given jurisdiction by law. The commissioners, their clerks, and members of the commission's staff designated and assigned as examiners shall have full power to administer oaths and to hear and take evidence. The commission shall render its decisions upon questions of law and of fact as other courts of similar jurisdiction. A majority of the commissioners shall constitute a quorum, and any act or decision of a majority of the commissioners shall constitute the act or decision of the commission.

G. S. 62-12. Commission constituted a court of record.

"G. S. 62-13. Witnesses, production of papers, contempt. The Utilities Commission shall have the same power to compel the attendance of witnesses, require the examination of persons and parties, and compel the production of books and papers, and punish for contempt, as by law is conferred upon the Superior Courts.

G. S. 63-13. Witnesses, production of papers, contempt.

"G. S. 62-14. Refusal of witnesses to testify. If any person duly summoned to appear and testify before the Utilities Commission, or an examiner of said commission, shall fail or refuse to testify without lawful excuse, or shall refuse to answer any proper question propounded him by a commissioner or examiner in the discharge of duty, or shall conduct himself in a rude, disrespectful or disorderly manner before a commissioner or examiner engaged in the conduct of any hearing or investigation, such persons shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00).

G. S. 62-14. Refusal of witnesses to testify.

"G. S. 62-15. Subpoenas, issuance, service. All subpoenas for witnesses to appear before the commission or an examiner and notice to persons or corporations, shall be issued by the commission or its clerk and be directed to any sheriff, constable or other officer authorized by law to serve process issued out of the Superior Courts, who shall execute the same and make due return thereof as directed therein, under the penalties prescribed by law for a failure to execute and return the process of any court. The commission shall have the authority to require the applicant for a subpoena for persons and documents to make a reasonable showing that the evidence of such persons or documents will be material and relevant to the issue in the proceeding.

G. S. 62-15. Subpoenas, issuance, service.

"G. S. 62-16. Service of process and notices. The clerk of the commission may serve any notice issued by it and his return thereof shall be evidence of said service; and it shall be the duty of the sheriffs and all officers authorized by law to serve process issuing out of the Superior Courts, to serve any process, sub-

G. S. 62-16. Service of process and notices.

poenas and notices issued by the commission, and such officers shall be entitled to the same fees as are prescribed by law for serving similar papers issuing from the Superior Court. Service of notice of all hearings, investigations and proceedings by the commission may be made upon any person upon whom a summons may be served in accordance with the provisions governing civil actions in the Superior Courts of this State, and may be made personally by an authorized agent of the commission or by mailing in a sealed envelope, registered, with postage prepaid.

G. S. 62-17. Bonds.

"G. S. 62-17. Bonds. All bonds or undertakings required to be given by any of the provisions of this Chapter shall be payable to the State of North Carolina, and may be sued on as are other undertakings which are payable to the State.

G. S. 62-18. Rules of evidence.

"G. S. 62-18. Rules of evidence. In hearings and investigations conducted under the provisions of this Chapter, the commission shall apply the rules of evidence applicable in civil actions in the Superior Court, in so far as practicable, but no decision or order of the commission shall be made or entered in any such proceeding unless the same is supported by competent material and substantial evidence upon consideration of the whole record. Oral evidence shall be taken only on oath or affirmation. The rules of privilege shall be effective to the same extent that they are now or hereafter recognized in civil actions in the Superior Court. The commission may exclude incompetent, irrelevant, immaterial and unduly repetitous or cumulative evidence. All evidence, including records and documents in the possession of the commission of which it desires to avail itself, shall be made a part of the record in the case by definite reference thereto at the hearing. Every party to a proceeding shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, to impeach any witnesses regardless of which party first called such witness to testify and to rebut the evidence against him. If a respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

G. S. 62-19. Depositions.

"G. S. 62-19. Depositions. The commission or any party to a proceeding may take and use depositions of witnesses in the same manner as provided by law for the taking and use of depositions in civil actions in the Superior Court.

G. S. 62-20. Use of affidavits.

Cross-examination of affiant.

"G. S. 62-20. Use of affidavits. At any time, ten or more days prior to a hearing or a continued hearing, any party or the commission may send by registered mail or deliver to the opposing parties a copy of any affidavit proposed to be used in evidence, together with the notice as herein provided. Unless an opposing party or the commission at least five days prior to the hearing if the affidavit and notice are received at least twenty days prior to such hearing, otherwise at any time prior to or during such hearing sends by registered mail or delivers to the proponent

a request to cross-examine the affiant at the hearing, the right to cross-examine such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant at the hearing is not afforded after request therefor is made as herein provided, the affidavit shall not be received in evidence. The notice accompanying the affidavit shall set forth the name and address of the affiant and shall contain a statement that the affiant will not be called to testify orally and will not be subject to cross-examination unless the opposing parties or the commission demand the right of cross-examination by notice mailed or delivered to the proponent at least five days prior to the hearing if the notice and affidavit are received at least twenty days prior to such hearing otherwise at any time prior to or during such hearing.

Contents of notice accompanying affidavit.

"G. S. 62-21. The Attorney General may intervene in certain cases. The Attorney General shall, in cases in which in his opinion the public interest so requires, or upon the request of the Governor or of the commission, attend or assign an assistant to attend any hearing before the commission or an examiner and conduct the examination of witnesses and otherwise participate in said hearing on behalf of the State.

G. S. 62-21. The Attorney General may intervene in certain cases.

"G. S. 62-22. Stipulations and agreements. In all contested proceedings the commission, by prehearing conferences and in such other manner as it may deem expedient and in the public interest, shall encourage the parties and their counsel to make and enter stipulations of record for the purpose of eliminating the necessity of proof of all facts which may be admitted, the authenticity of documentary evidence, the use of exhibits, and the clarification of the issues of fact and law. The commission may make informal disposition of any contested proceeding by stipulation, agreed settlement, consent order or default.

G. S. 62-22. Stipulations and agreements.

"G. S. 62-23. Hearings to be public, record of proceedings. All hearings before the commission or its examiners shall be public, and shall be conducted in accordance with such general rules and regulations as the commission may prescribe. A full and complete record shall be kept of all proceedings had before the commission or its examiners, on any formal hearing, and all testimony shall be taken by a reporter appointed by the commission. Any party to a proceeding shall be entitled to a copy of the record upon the payment of the reasonable cost thereof as determined by the commission.

G. S. 62-23. Hearings to be public, record of proceedings.

"G. S. 62-24. Complaints. Complaint may be made by the commission on its own motion or by any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural, or manufacturing association or organization, or any body politic or municipal corporation or any agency of the State of North Carolina or any

G. S. 62-24. Complaints.

electric membership corporation organized under Chapter 291 of the Public Laws of 1935, as amended, having an interest in the subject matter of such complaint by petition or complaint in writing setting forth any act or thing done or omitted to be done by any public utility, including any rule, regulation or charge heretofore established or fixed by or for any public utility in violation of any provision of law or of any order or rule of the commission, or that any rate, charge, schedule, classification, rule, regulation or practice is unjust and unreasonable. Upon good cause shown and in compliance with the rules of the commission, the commission shall also allow any interested person or organization, having an interest in the subject matter of such complaint and authorized to file a complaint, to intervene in any pending proceeding. The commission, by regulation, may prescribe the form of complaints filed under this Section, and may in its discretion order two or more complaints dealing with the same subject matter to be joined in one hearing and thereafter no motion shall be allowed for the misjoinder of causes of action or misjoinder or nonjoinder of parties. Unless the commission shall determine, upon consideration of the complaint or otherwise, and after notice to the complainant and after opportunity to be heard that no reasonable ground exists for an investigation of such complaint, the commission shall fix a time and place for hearing, after reasonable notice to the complainant and the utility complained of, which notice shall be not less than ten days before the time set for such hearing.

Form of complaints.

Hearing; notice of hearing.

G. S. 62-25. Complaints by public utilities.

"G. S. 62-25. Complaints by public utilities. Any public utility shall have the right to complain on any of the grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases, except that the complaint and notice of hearing shall be served by the commission upon such interested parties as it may designate.

G. S. 62-26. Burden of proof, rules of practice.

"G. S. 62-26. Burden of proof, rules of practice. In all proceedings instituted by the commission for the purpose of investigating any rate, charge, schedule, classification, rule, regulation or practice, the burden of proof shall be upon the carrier or public utility whose rate, charge, schedule, classification, rule, regulation or practice is under investigation to show that the same is just and reasonable. In all other proceedings the burden of proof shall be upon the complainant. Except as otherwise provided in this Chapter, the Utilities Commission is authorized to formulate and promulgate rules of practice.

G. S. 62-26.1. Hearings by the commission, a commissioner or examiner.

"G. S. 62-26.1. Hearings by the commission, a commissioner or examiner. Except as otherwise provided in this Chapter, any matter requiring a hearing shall be heard and decided by the commission or shall, by written order of the commission, be referred to one of the commissioners or a qualified member of the commission staff as examiner for hearing, report and recommen-

Jurisdiction, etc., of commissioner or examiner.

dation of an appropriate order or decision thereon. Subject to the limitations prescribed in this Article, a commissioner or examiner, to whom a hearing has been referred by order of the commission, shall have all the rights, duties, powers and jurisdiction conferred by this Chapter upon the commission. The commission, in its discretion, may direct any hearing by the commission or any commissioner or examiner to be held in such place or places within the State of North Carolina as it may determine to be in the public interest and as will best serve the convenience of interested parties. Before any member of the commission staff enters upon the performance of duties as an examiner, he shall first take, subscribe to and file with the commission an oath similar to the oath required of members of the commission.

Oath of examiners.

G. S. 62-26.2. Recommended decision of a commissioner or examiner.

"G. S. 62-26.2. Recommended decision of a commissioner or examiner. Any report made or order or decision recommended by a commissioner or examiner with respect to any matter referred to him for hearing shall be in writing and shall set forth separately his findings of fact, conclusions of law and shall be filed with the commission. Copy of such recommended order, report and findings shall be served upon the parties in interest who have appeared in the proceeding.

G. S. 62-26.3. Rules of practice.

"G. S. 62-26.3. Rules of practice. Prior to each decision or order by the commission in a proceeding initially heard by it and prior to any recommended decision or order of a commissioner or examiner, the parties shall be afforded an opportunity to submit, within the time prescribed by order entered in the cause, unless further extended by order of the commission for the consideration of the commission, commissioner, or examiner, as the case may be, proposed findings of fact and conclusions of law and brief. Within the time prescribed by the commissioner or examiner the parties shall be afforded an opportunity to file exceptions to his recommended decision or order and brief in support thereof, provided the time so fixed shall be not less than ten days from the receipt by such party of such recommended decision or order. The record shall show the ruling upon each requested finding and conclusion or exception. All final orders and decisions of the commission shall be sufficient in detail to enable the court on appeal to determine the controverted questions presented in the proceedings and shall include (1) findings and conclusions and the reasons or basis therefor upon all the material issues of fact, law, or discretion presented in the record, and (2) the appropriate rule, order, sanction, relief, or statement of denial thereof. In all contested proceedings in which a commissioner or examiner has filed a report, recommended decision or order to which exceptions have been filed by one or more parties to the proceeding, the commission, before making its final decision or order, shall afford the parties an opportunity for oral arguments. When no exceptions are filed within the

Submission of brief; proposed findings and conclusions.

Exceptions to recommended order of commissioner or examiner.

Final orders and decisions of Commission.

Oral arguments on exceptions to report or recommended order.

Where no exceptions filed to recommended order.

time specified to a recommended decision or order, such recommended decision or order shall become the order of the commission and shall immediately become effective unless the order is stayed or postponed by the commission, *provided*, the commission may, on its own motion, review any such matter and take action thereon as if exceptions thereto had been filed. When exceptions are filed, as herein provided, it shall be the duty of the commission to consider the same and if sufficient reason appears therefor, to grant such review or make such order or hold or authorize such further hearing or proceeding in the premises as may be necessary or proper to carry out the purposes of this Chapter. The commission, after review, upon the whole record, or as supplemented by a further hearing, shall decide the matter in controversy and make appropriate order or decision thereon.

Consideration of exceptions and final decision by commission.

G. S. 62-26.4. Final orders and decisions, service, compliance.

"G. S. 62-26.4. Final orders and decisions, service, compliance. A copy of every final order or decision under the seal of the commission, shall be served by registered mail upon the person, corporation, or municipal corporation against whom it runs or his attorney and notice thereof shall be given to the other parties to the proceeding or their attorney. Such order shall take effect and become operative as designated therein and shall continue in force either for a period which may be designated therein, or until changed or revoked by the commission. If an order cannot, in the judgment of the commission, be complied with within the time designated therein, the commission may grant and prescribe such additional time, as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order.

G. S. 62-26.5. Powers of commission to rescind, alter or amend a prior order or decision.

"G. S. 62-26.5. Powers of commission to rescind, alter or amend a prior order or decision. The commission may at any time upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders or decisions.

G. S. 62-26.6. Rehearing, right of appeal.

"G. S. 62-26.6. Rehearing, right of appeal. No party to a proceeding before the commission may appeal from any final order or decision of the commission unless he first petition for a rehearing as provided in this Section. Within twenty days after the entry of any final order or decision, or within such time thereafter as may be fixed by the commission, by order made within such twenty days, any party aggrieved by such decision or order may file a petition for rehearing with the commission, which petition shall set forth specifically the ground or grounds on which the applicant considers said decision or order to be unlawful, unjust, unreasonable or unwarranted. Any application for a rehearing made ten days or more before the effec-

Petition for rehearing.

tive date of the order as to which a rehearing is sought shall be either granted or denied before such effective date, or the order shall then be suspended until such application is granted or denied. Any application for rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days shall be deemed to be denied, unless the effective date of the order is extended for the period of the pendency of the application. If the application for rehearing is granted, the commission shall proceed to hear and decide the matter with all dispatch. The commission may decide the questions of law and fact raised by the petition to rehear upon the record previously made or order its record reopened and take additional evidence and make its decision upon the original record as amended. Within thirty days after the rendition of a decision on rehearing, if the decision fails to grant the full relief prayed for in the petition, or within thirty days after a decision becomes final by reason of the failure of the commission to act, the petitioner may appeal to the Superior Court by filing written notice of such appeal with the commission and serving a copy thereof upon the original complainant, if any, and mailing a copy to each party to the proceeding to the addresses as they appear in the files of the commission in the proceeding. The failure of any party, other than the complainant and the commission, to be served with or to receive a copy of the notice of appeal shall not affect the validity or regularity of the appeal. Within ten days after the filing of the notice of appeal, unless the time be extended by order of the court or by consent of the parties, the commission shall transmit the entire record in the proceeding, or a copy thereof, certified under the seal of the commission, to the Superior Court of a county agreed upon by the parties, or in the absence of such agreement to the Superior Court of a county in which the business involved in the proceeding is conducted, or is proposed to be conducted, or in which the remedy or relief sought is to be applied or enforced. The judge holding the courts of the county to which the record is sent or the resident judge of the judicial district embracing said county shall hear and determine all matters arising on such appeal, as in this Act provided, and may, in the exercise of discretion, remove the case to any other county. After final determination of the case on appeal, the Clerk of the Superior Court shall return to the commission such records as were transmitted by it to such court, together with a certified copy of the decision of the court.

Rehearing.

Notice of appeal to Superior Court.

Transmission of record.

Determination of case on appeal.

"G. S. 62-26.7. Appeal docketed; priority of trial. The cause shall be entitled "State of North Carolina on relation of the Utilities Commission against (here insert name of appellant)". It shall be placed on the civil issue docket of such court and shall have precedence over other civil actions.

G. S. 62-26.7. Appeal docketed; priority of trial.

"G. S. 62-26.8. Parties on appeal. In any appeal to the Superior Court, the complainant in the original complaint before

G. S. 62-26.8. Parties on appeal.

the commission shall be a party to the record and each of the parties to the proceeding before the commission shall have a right to appear and participate in said appeal.

G. S. 62-26.9. No evidence admitted on appeal; remission for further evidence.

"G. S. 62-26.9. No evidence admitted on appeal; remission for further evidence. No evidence shall be received at the hearing on appeal but if any party shall satisfy the court that evidence has been discovered since the hearing before the commission that could not have been obtained for use at that hearing by the exercise of reasonable diligence, and will materially affect the merits of the case, the court may, in its discretion, remand the record and proceedings to the commission with directions to take such subsequently discovered evidence, and after consideration thereof, to make such order as the commission may deem proper, from which order an appeal shall lie as in the case of any other final order, from which order an appeal may be taken as provided in G. S. 62-26.6, except that no additional petition for rehearing shall be required.

G. S. 62-26.10. Record on appeal; extent of review.

"G. S. 62-26.10. Record on appeal; extent of review. On appeal the court shall review the proceeding without a jury in chambers or at term time and such review shall be confined to the record as certified by the commission to the court, except that in cases of alleged irregularities in procedure before the commission, not shown in the record, testimony thereon may be taken in the court. So far as necessary to the decision and where presented, the court shall decide all relevant questions of law, interpret constitutional and stautory provisions, and determine the meaning and applicability of the terms of any commission action. The court may affirm or reverse the decision of the commission, declare the same null and void, or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the appellants have been prejudiced because the commission's findings, inferences, conclusions or decisions are:

Grounds for reversal or modification of decision of Commission.

(a) in violation of constitutional provisions, or

(b) in excess of statutory authority or jurisdiction of the commission, or

(c) made upon unlawful proceedings, or

(d) affected by other errors of law, or

(e) unsupported by competent, material and substantial evidence in view of the entire record as submitted, or

(f) arbitrary or capricious.

The court shall also compel action of the commission unlawfully withheld or unlawfully or unreasonably delayed. In making the foregoing determinations, the court shall review the whole record or such portions thereof as may be cited by any party and due

account shall be taken of the rule of prejudicial error. The appellant shall not be permitted to rely upon any grounds for relief on appeal which were not set forth specifically in his petition for rehearing by the commission. Upon any appeal to the Superior Court, the rates fixed, or any rule, regulation, finding, determination, or order made by the commission under the provisions of this Chapter, shall be prima facie, just and reasonable. If on any appeal the court may determine that an issue is presented which, for constitutional reasons, must be submitted to a jury, the court may order a jury trial as to such issue.

Appellant limited to contentions set forth in petition for rehearing.

Findings by Commission deemed prima facie just and reasonable.

Jury trial.

"G. S. 62-26.11. Relief pending review on appeal. Pending judicial review, the commission is authorized, where it finds that justice so requires, to postpone the effective date of any action taken by it. Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, except as provided in G. S. 62-136, the Judge of the Superior Court is authorized to issue all necessary and appropriate process to postpone the effective date of any action by the commission or take such action as may be necessary to preserve status or rights of any of the parties pending conclusion of the proceedings on appeal. The court may require the applicant for such stay to post adequate bond as required by the court.

G. S. 62-26.11. Relief pending review on appeal.

"G. S. 62-26.12. Appeal to Supreme Court. Any party may appeal to the Supreme Court from the judgment of the Superior Court under the same rules and regulations as are prescribed by law for appeals, except that the Utilities Commission, if it shall appeal, shall not be required to give any undertaking or make any deposit to assure the cost of such appeal, and such court may advance the cause on its docket so as to give the same a speedy hearing.

G. S. 62-26.12. Appeal to Supreme Court.

"G. S. 62-26.13. Judgment on appeal enforced by mandamus. In all cases in which, upon appeal, a judgment of the Utilities Commission is affirmed, in whole or in part, the appellate court shall embrace in its decree a mandamus to the appellant to put said order in force, or so much thereof as shall be affirmed, or the appellate court may make such other order as it deems appropriate.

G. S. 62-26.13. Judgment on appeal enforced by mandamus.

"G. S. 62-26.14. Peremptory mandamus to enforce order, when no appeal. If no appeal is taken from an order, decision or judgment of the Utilities Commission within the time prescribed by law and the utility, corporation, firm or person to which the order, decision or judgment is directed, fails to put the same in operation, as therein required, the Utilities Commission may apply to the judge riding the Superior Court District which embraces Wake County or to the resident judge of said district at chambers, or to the judge holding the Superior Court in any judicial district in which the business is conducted

G. S. 62-26.14. Peremptory mandamus to enforce order, when no appeal.

upon ten days' notice, for a peremptory mandamus upon said utility, corporation, firm or person for the putting in force of said order, decision or judgment; and if said judge shall find that the order of said commission was valid and within the scope of its powers, he shall issue such peremptory mandamus. An appeal shall lie to the Supreme Court in behalf of the Utilities Commission, or the defendant utility, corporation, firm or person, from the refusal or the granting of such peremptory mandamus. The remedy herein prescribed for enforcement of orders of the commission is in addition to other remedies prescribed by law."

Partial invalidity section.

SEC. 2. If any Section, sentence, clause or phrase of this Act shall, for any reason, be held invalid by the courts, such decision shall not affect the validity of any other portion of this Act not involved in such decision.

Application of Act.

SEC. 3. This Act shall not apply to any proceeding pending on appeal to the Superior Court or to the Supreme Court from an order or decision of the Utilities Commission made prior to the effective date of this Act. Any party to any proceeding, which is pending before the commission at the time of the effective date of this Act, who has theretofore filed exceptions within the time and in the manner provided theretofore by law, shall be allowed sixty days after the effective date hereof to file application for rehearing as provided in G. S. 62-26.6 and shall have the right to appeal therefrom as provided in said Section.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed: *Provided, however,* nothing in this Act shall be construed to repeal any of the procedural provisions of Article 6B and Article 7 of Chapter 62 of G. S.

SEC. 5. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 846 **CHAPTER 990**

AN ACT TO AMEND GENERAL STATUTES 128-24 TO PROVIDE FOR THE LAW ENFORCEMENT OFFICERS OF THE CITY OF CHARLOTTE TO WITHDRAW FROM THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND THE WITHDRAWAL OF ALL FUNDS.

The General Assembly of North Carolina do enact:

G. S. 128-24, membership N. C. Local Government Employees' Retirement System, amended.

SECTION 1. That Chapter 128, Article 2, Section 24, of the General Statutes of North Carolina be amended by inserting at the end of Subsection (2) thereof the following:

Provision for withdrawal of law enforcement officers of City of Charlotte.

"*Provided further*, that any law enforcement officers of the City of Charlotte eligible to join the Law Enforcement Officers' Benefit and Retirement Fund (G. S. 143-166 et seq) that desire to withdraw from this retirement system may, with the approval of the City Council of the City of Charlotte, do so within two (2) years from the effective date of this Act, and, upon the request of such law enforcement officers and the City of Charlotte, the board of commissioners of this retirement system shall pay over to such law enforcement officers and the City of Charlotte, respectively, such amounts as each has contributed to this retirement system with respect to such law enforcement officers less proper costs and expenses attributable to the administration of the funds withdrawn; and *provided further*, that any such law enforcement officers of the City of Charlotte entering service with such city after the effective date of this Act shall not be required to join this retirement system if such officers have joined the Law Enforcement Officers' Benefit and Retirement Fund."

Refund of contributions.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 999 CHAPTER 991

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY TO TRANSFER CERTAIN DELINQUENT TAX COLLECTIONS TO THE GENERAL FUND.

The General Assembly of North Carolina do enact:

Jackson County, certain delinquent tax collections transferred to general fund.

SECTION 1. The Board of Commissioners of Jackson County is hereby authorized and empowered, in its discretion, to pay into the general fund all proceeds of delinquent taxes due said county which have been due and payable for three years or more on the date of collection, together with all the interest, penalties and costs due upon such delinquent taxes. Taxes shall be deemed to be due on the first Monday of October next following January 1st of the year when such taxes were listed.

Due date of taxes.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1001 CHAPTER 992

AN ACT RELATIVE TO THE TIME OF THE MEETING OF THE BOARD OF EQUALIZATION AND REVIEW OF JACKSON COUNTY IN THE YEAR 1949.

The General Assembly of North Carolina do enact:

Jackson County, meeting of Board of Equalization and Review.

SECTION 1. In order to permit the reassessment and revaluation of property for ad valorem tax purposes in Jackson County to be completed in an orderly and consistent manner, and in order for such reassessed valuations to become effective as of January 1, 1949, the Board of Equalization and Review of Jackson County is hereby authorized to hold its first meeting at any time not less than two weeks, nor more than four weeks, after the work of revaluation and reassessment shall have been completed. The board shall give notice of the time and place of the meeting as provided in Subsection (6) of Section 105-327, and the work of the board shall be conducted in the manner provided by Subchapter II of Chapter 105 of the General Statutes. The decisions of the board and the assessed valuations of property shall be valid and effective notwithstanding the fact that the board may meet at a time later than that designated by G. S. 105-327.

Notice of meeting.

Effect of decisions of board and assessed valuations.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1106 CHAPTER 993

AN ACT FOR THE BETTER ENFORCEMENT OF LAW IN PINEHURST, MOORE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. For all the purposes of this Act, but only for such purposes, all that territory within an area one mile distant in all directions from what is known and designated as the General Offices in the Village of Pinehurst, in Moore County, North Carolina, shall be and constitute a municipal corporation to be known and hereinafter referred to as Pinehurst. Moore County, incorporation of Municipality of Pinehurst for purposes specified.

SEC. 2. After the ratification of this Act it shall be the duty of the Board of Commissioners of Moore County to appoint a chief constable for said municipality of Pinehurst and such other constables as may be deemed necessary by said board of commissioners; and such chief constable and other constables so appointed shall have, within the limits of Pinehurst territory, as hereinbefore defined, for the enforcement of law in said territory, all such authority as the Sheriff of Moore County possesses for the enforcement of law within the County of Moore. The term of office of said chief constable and any other constables appointed by the Board of Commissioners of Moore County shall be for such time as said board may designate in the order of appointment, and before entering upon the duties of their offices, respectively, the said chief constable and other constables shall execute such official bond as is now by law required of township constables in such amount as may be fixed by said Board of Commissioners of Moore County, not to exceed the sum of one thousand dollars ($1,000.00). The chief constable so appointed for Pinehurst shall have authority to provide within the territory of Pinehurst a suitable place for the confinement of prisoners who under the law would be committed to the county jail, and it shall be lawful for said chief constable or other officers who have said prisoners in charge to confine such prisoners in the place of confinement provided for said purpose in Pinehurst until such prisoners can be conveniently removed to the county jail. It shall be the duty of said chief constable and other constables of Pinehurst to enforce the criminal laws of the State within said territory of Pinehurst to the same extent that it is

Appointment of constables.

Authority of constables.

Term of office.

Official bond.

Provision of place for confinement of prisoners.

Enforcement of State criminal laws within territory of Pinehurst.

the duty of the Sheriff of Moore County under the law to enforce the criminal laws of the State within the County of Moore.

Establishment of parking and non-parking zones; penalty for violations.

SEC. 3. The chief constable of Pinehurst, in the exercise of his duties as such officer, shall have authority to lay off and designate as such automobile parking zones in Pinehurst and require the operators of motor vehicles in said territory to park their motor vehicles in such zones so provided for said purpose; and to lay out and designate non-parking zones in said territory in which such motor vehicles shall not be allowed to park, and any person who shall park a motor vehicle in the territory so designated by said chief constable as a non-parking area shall be guilty of a misdemeanor and, upon conviction, shall be punished as such. Said chief constable shall likewise have authority to designate such streets in Pinehurst as he may select for such purpose as one-way streets, and when such one-way streets are so designated, it shall be unlawful for any person to operate a motor vehicle upon such street or streets except in the direction so designated by said chief constable for said purpose, and any person who shall move any motor vehicle in a different direction on said one-way streets than has been so designated by said chief constable shall be guilty of a misdemeanor and punished as such.

Designation of one-way streets; penalty for violations.

Exhibition of merchandise for sale on public streets prohibited.

SEC. 4. It shall be unlawful for any person to exhibit on the public streets or sidewalks in the territory of Pinehurst any goods, wares and merchandise for the purpose of making sale of the same at said time on said public streets or sidewalks, and any person who shall so exhibit any goods, wares and merchandise on the public streets or sidewalks of Pinehurst for the purposes of sale as aforesaid shall be guilty of a misdemeanor and, upon conviction, shall be punished as such.

Violations made misdemeanor.

Municipality entitled to all refunds, moneys, taxes, etc., allowed to towns and cities of State.

SEC. 5. The municipality of Pinehurst, as hereinbefore defined, shall be entitled to all such refunds and moneys as are allowed to or conferred upon towns and cities in this State and to all such rights, privileges and property as are given to or enjoyed by other towns and cities and shall be entitled likewise to all such gasoline taxes on account of roads or any other tax refunds, allowances, contributions or refunds from electric current used, refunds or payments on account of beer tax or other beverage taxes or any other taxes, refunds, contributions or other right moneys or property that other cities or towns may be entitled to and to the same extent as if the said Pinehurst was a regularly incorporated town or city; and inasmuch as Pinehurst, Incorporated, in said Pinehurst municipality maintains and operates at its own expense all the public streets and sidewalks in Pinehurst and furnishes at its own expense all the public facilities and utilities enjoyed by the public within said territory of Pinehurst, all such refunds, moneys or property as would be payable or belong to Pinehurst as a regular municipality under the provisions of this Act shall be paid and deliv-

Payment of refunds, etc., to Pinehurst, Incorporated.

ered to Pinehurst, Incorporated, to reimburse it for such expenditures in behalf of Pinehurst in its capacity as a municipal corporation. When the population of Pinehurst as a municipality is at any time required for any of the purposes of this Act, it shall be the duty of the chief constable to determine the population in said municipal territory, and his certificate fixing such population shall be final and binding in lieu of the United States census thereon.

Determination of population of municipal territory.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1113 CHAPTER 994

AN ACT TO AMEND G. S. 7-70 RELATING TO TERMS OF THE SUPERIOR COURT IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That portion of G. S. 7-70 relating to the terms of Superior Court in Wilkes County is hereby rewritten to read as follows:

G. S. 7-70, amended.

"Wilkes—seventh Monday before the first Monday in March for three weeks for the trial of civil cases only; first Monday in March for three weeks for the trial of both civil and criminal cases; eighth Monday after the first Monday in March for two weeks for the trial of civil cases only; thirteenth Monday after the first Monday in March for two weeks for the trial of both civil and criminal cases; fifteenth Monday after the first Monday in March for two weeks for the trial of civil cases only, without the intervention of a grand jury; seventh Monday before the first Monday in September for one week for the trial of civil cases only; fourth Monday before the first Monday in September for three weeks for the trial of both civil and criminal cases; first Monday after the first Monday in September for one week for the trial of civil cases only; fourth Monday after the first Monday in September for two weeks for the trial of civil cases only; eighth Monday after the first Monday in September for two weeks for the trial of civil cases only; fourteenth Monday after the first Monday in September for two weeks for the trial of civil and criminal cases."

Wilkes County, terms of Superior Court.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1126 CHAPTER 995

AN ACT RELATING TO THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT, THE SHERIFF, THE REGISTER OF DEEDS, AND CERTAIN EMPLOYEES OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Ch. 323, Session Laws, 1943, amended.

SECTION 1. Chapter 323 of the Session Laws of 1943, as amended, is hereby further amended by rewriting Section 1 thereof so as to read as follows:

Durham County, salary of Clerk Superior Court.

Compensation of Assistant Clerks, etc.

Authority of Clerk with respect to selection, etc., of employees.

Appointment of additional assistant clerk.

"SECTION 1. The Clerk of the Superior Court of Durham County shall receive an annual salary of six thousand dollars ($6,000.00) payable in twelve equal monthly installments. The Board of County Commissioners of Durham County shall fix the compensation of Assistant Clerks of the Superior Court, the Deputy Clerks, and all other personnel now or hereafter employed in the office of the Clerk of the Superior Court: *Provided*, that the Clerk of the Superior Court shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees: *Provided further*, that the Clerk of the Superior Court of Durham County, whenever in his discretion it becomes necessary to the efficient conduct of his office, is hereby authorized to appoint from among the deputy clerks employed in his office, one additional Assistant Clerk of the Superior Court. The board of county commissioners shall at all times take into consideration the recommendation of said clerk when fixing the compensation of the personnel in his said office."

Salary of Sheriff.

SEC. 2. Chapter 323 of the Session Laws of 1943, as amended, is hereby further amended by rewriting Section 2 thereof so as to read as follows:

Compensation of employees in office of Sheriff.

"SEC. 2. The Sheriff of Durham County shall receive a salary of six thousand dollars ($6,000.00) annually, payable in twelve equal monthly installments. The Board of County Commissioners of Durham County shall fix the compensation of all employees in the office of said Sheriff of Durham County including all deputy sheriffs, jailors and clerks as well as special deputies, and all other personnel now or hereinafter employed in the office of the said sheriff: *Provided*, that the said sheriff shall retain full au-

thority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees. The board of county commissioners shall at all times take into consideration the recommendation of said sheriff when fixing the compensation of the employees in his said office. Each deputy sheriff shall be required to maintain a telephone in his home at his own expense, and the salaries paid to said deputy sheriffs shall be in lieu of all other compensation."

Authority of Sheriff with respect to selection, etc., of employees.

Maintenance by deputies Sheriff of telephone in home.

SEC. 3. Chapter 323 of the Session Laws of 1943, as amended, is hereby further amended by rewriting Section 3 thereof so as to read as follows:

"SEC. 3. The Register of Deeds of Durham County shall receive an annual salary of forty-six hundred dollars ($4,600.00) payable in twelve equal monthly installments. The Board of County Commissioners of Durham County shall fix the compensation of the deputy registers of deeds and all other personnel now or hereafter employed in the office of the register of deeds: *Provided,* that the register of deeds shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees. The board of county commissioners shall at all times take into consideration the recommendation of said register of deeds when fixing the compensation of the employees in his said office."

Salary of Register of Deeds.

Compensation of personnel of office of Register of Deeds.

Authority of Register of Deeds with respect to selection, etc., of employees.

SEC. 4. Chapter 323 of the Session Laws of 1943, as amended, is hereby further amended by rewriting Section 4 thereof so as to read as follows:

"SEC. 4. The Judge of the Recorders Court of Durham County shall receive an annual salary of six thousand dollars ($6,000.00) payable in twelve equal monthly installments. The Prosecuting Attorney of Durham County Recorder's Court shall receive an annual salary of forty-five hundred dollars ($4,500.00) payable in twelve equal monthly installments. The Clerk of the Recorders Court of Durham County shall receive an annual salary of thirty-five hundred dollars ($3,500.00) payable in twelve equal monthly installments. The Board of County Commissioners of Durham County shall fix the compensation of the Assistant Clerk, the Chief Deputy Clerk, Deputy Clerks and other personnel of the Recorders Court of Durham County and all other personnel now or hereafter employed in the office of the Clerk of the Recorders Court or of the Recorders Court of Durham County: *Provided,* that the said clerk of said recorders court shall retain full authority in respect to the selection and retention of all employees in his office, and in respect to the filling of all vacancies occurring among such employees. The board of county commissioners shall at all times take into consideration the recommendation of said clerk when fixing the compensation of the employees in his said office."

Salary of Judge of Recorder's Court.

Salary of Prosecuting Attorney.

Salary of Clerk.

Compensation of other personnel.

Authority of Clerk with respect to selection of employees, etc.

Ch. 252, Public-Local Laws, 1941, amended.

SEC. 5. Chapter 252 of the Public-Local and Private Laws, Session 1941, is hereby amended by rewriting Section 1 thereof so as to read as follows:

Salary of Coroner.

"SEC. 1. That the Coroner of Durham County shall receive for his services as such coroner a salary of one thousand dollars ($1,000.00) per annum; that said amount shall be paid monthly and shall be in lieu of all fees heretofore paid such officer."

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 7. This Act shall be in full force and effect from and after the first day of July, 1949.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1143 CHAPTER 996

AN ACT TO AMEND CHAPTER 26 OF THE PUBLIC-LOCAL LAWS OF 1941, IN RESPECT TO THE ALLOCATION OF DELINQUENT TAXES COLLECTED IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Ch. 26, Public-Local Laws, 1941, amended.

SECTION 1. Chapter 26 of the Public-Local Laws of 1941, as amended by Chapter 173 of the Session Laws of 1947, or as otherwise amended, is hereby further amended by striking out Section 1 of Chapter 26 of the Public-Local Laws of 1941, and rewriting the same to read as follows:

Perquimans County, allocation of delinquent tax collections.

"SECTION 1. The Board of County Commissioners of Perquimans County is hereby authorized and empowered to allocate all the funds collected for tax accounts in all cases in which Perquimans County has become the purchaser of the tax liens, as follows: All costs, penalties and interest and one-half of the tax levied and collected, to the general county fund; and one-half of the tax levied and collected, exclusive of cost, penalties and interest, to the debt service fund. The cost of collection of these taxes shall be paid out of the general fund."

Payment of cost of collection.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed, so far as they apply to the taxes mentioned in this Bill.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1145 **CHAPTER 997**

AN ACT TO AMEND CHAPTER 106 ARTICLE 35 OF THE GENERAL STATUTES RELATIVE TO PUBLIC LIVESTOCK MARKETS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section 106-408. G. S. by adding a new paragraph thereto to read as follows:

G. S. 106-408, as to public livestock markets, amended as to time of sales.

"The sales of all livestock at livestock auction markets shall start promptly at 1:00 P. M. on each sales day and the selling of livestock shall be continuous until all livestock is sold."

SEC. 2. Amend Section 106-409 G. S. by adding between the word "approved" which begins in line 7 and ends in line 8 and the word "by" in line 8 of said Section the following:

G. S. 106-409, health certificate for cattle removed for nonslaughter purposes, amended.

"or provided"

SEC. 3. Amend Section 106-410 G. S. by adding between the word "approved" which begins in line 7 and ends in line 8 and the word "by" in line 8 of said Section the following:

G. S. 106-410, health certificate for swine removed for nonslaughter purposes, amended.

"or provided"

SEC. 4. Amend Section 106-410 G. S. by adding a new paragraph thereto to read as follows:

G. S. 106-410, further amended.

"*Provided, however,* that the Commissioner of Agriculture may permit swine to be shipped out of the State of North Carolina, without vaccination and under the same conditions as if said swine were being delivered for immediate slaughter, for immediate delivery to holding or feeding lots in any other state when he determines that said holding or feeding lots are being operated in compliance with the laws of said state and the rules and regulations promulgated thereunder."

Authority of commissioner to permit swine to be shipped out of State, without vaccination.

SEC. 5. Amend Section 106-411. G. S. by adding a new paragraph thereto to read as follows:

G. S. 106-411, removal of livestock from market for slaughter, amended.

"*Provided* this Section shall not apply to swine shipped out of this State to holding or feeding lots as provided for in G. S. Section 106-410."

SEC. 6. Amend Section 106-415. G. S. by striking out the words and figures "twenty-five dollars ($25.00)" and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)".

G. S. 106-415, amended to increase fee for livestock market permits.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1152 CHAPTER 998

AN ACT RELATING TO THE OFFICE HOURS OF THE SHERIFF AND CLERK OF THE SUPERIOR COURT OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Caswell County, office hours of Sheriff.

SECTION 1. It shall be the duty of the Sheriff of Caswell County to keep the office of the sheriff open for the transaction of business between the hours of 8:30 o'clock A. M. and 5:00 o'clock P. M. each Monday, Tuesday, Wednesday, Thursday and Friday of each week and between the hours of 8:30 o'clock A. M. and 12:00 o'clock noon each Saturday of each week. It shall not be necessary for such sheriff to keep his office open on Sundays or on legal holidays.

Office hours of Clerk Superior Court.

SEC. 2. It shall be the duty of the Clerk of the Superior Court of Caswell County to keep the office of the Clerk of the Superior Court open for the transaction of business between the hours of 8:30 o'clock A. M. and 5:00 o'clock P. M. each Monday, Tuesday, Wednesday, Thursday and Friday of each week and between the hours of 8:30 o'clock A. M. and 12:00 o'clock noon each Saturday of each week. It shall not be necessary for such Clerk of the Superior Court to keep his office open on Sundays or on legal holidays.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1154 CHAPTER 999

AN ACT TO AMEND CHAPTER 105, ARTICLE 24, SECTION 345, OF THE GENERAL STATUTES OF NORTH CAROLINA TO FIX THE DISCOUNTS ALLOWABLE FOR PREPAYMENT OF TAXES LEVIED BY MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

G. S. 105-345, amended.

SECTION 1. G. S. 105-345, as amended, is hereby further amended by adding the following Subsection at the end thereof:

Mecklenburg County, discounts for prepayment of taxes.

"(8) However, Subsections (1), (2) and (6) hereof shall not apply to taxes levied by Mecklenburg County, and should any taxpayer of Mecklenburg County make payment of his taxes in the months of August through November following the levy

thereof, he shall be entitled to the following discounts: If paid before or during the month of August, a deduction of two per cent (2%); if paid during the month of September, a deduction of one and one-half per cent (1½%); if paid during the month of October, a deduction of one per cent (1%); if paid during the month of November, a deduction of one-half of one per cent (½ of 1%). Taxes levied by Mecklenburg County shall be payable at par during the months of December and January next after same shall have become due and payable."

Taxes payable at par.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1168 CHAPTER 1000

AN ACT RELATING TO THE FEES OF JUSTICES OF THE PEACE IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The duly qualified and acting Justices of the Peace of Moore County are authorized and empowered to include in their bills of cost, for their use and benefit, the following fees:

Moore County, fees of Justice of the Peace.

Civil actions.

Civil Action

Issuing summons	$1.00
Each additional defendant	.50
Plaintiffs undertaking	.50
Defendants undertaking	.50
Affidavit for removal	.50
Order of removal	.50
Subpoenas, each	.25
Trial and judgment	1.50
Transcript of judgment	.25
Execution on judgment	1.00
Return on appeal	.75
Jury trial and entering verdict	1.50

Ejectment proceedings.

Ejectment Proceedings

Issuing papers	$1.00
Trial and judgment	1.50
Each additional defendant	.50
Execution on judgment	1.00

Claim and delivery.

Claim and Delivery

Issuing papers, trial and judgment	$2.50
Additional defendants, each	.50
Replevin bond	.50

Attachment proceedings same as claim and delivery.

Criminal actions.

Criminal Actions

Affidavit	$ .50
Warrant, each	1.00
Subpoenas, each	.25
Recognizance, each	.40
Trial and judgment, each defendant	1.50
Affidavit for removal	.50
Order of removal	.40
Capias and order, each	1.00
Bond to Justice of Peace Court	.50
Bond to Superior Court	.50
Issuing, filing and docketing laborers lien	1.00
Trial and judgment	1.50
Garnishee papers for taxes	.50
Trial and judgment	1.50

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1192 CHAPTER 1001

AN ACT TO AMEND CHAPTER 457 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE RECORDER'S COURT OF THE TOWN OF DUNN.

The General Assembly of North Carolina do enact:

Ch. 457, Public-Local Laws, 1939, amended.

SECTION 1. Section 4 of Chapter 457 of the Public-Local Laws of 1939 is rewritten to read as follows:

Town of Dunn, Recorder's Court, deposit required upon demand for jury trial.

"SEC. 4. In the event a jury trial is demanded in said court in either a civil or criminal case, the defendant shall deposit a fee of twelve dollars ($12.00) with the clerk of said recorder's court, and in the event an acquittal is had in said case, the fee so deposited shall be refunded to the defendant depositing the same."

SEC. 2. Chapter 232 of the Session Laws of 1945, relating to jury trials in the Recorder's Court in the Town of Dunn, is repealed. Ch. 232, Session Laws, 1945, repealed.

SEC. 3. The office of Vice Recorder of the Recorder's Court of the Town of Dunn, created by Chapter 598 of the Public-Local Laws of 1911, as amended, is abolished. The Judge of the Recorder's Court of the Town of Dunn is authorized to appoint some competent person to preside over said court at any time when the said judge shall be absent for any cause and is unable to preside over the court. The person so appointed shall serve without any compensation. Office of Vice Recorder abolished. Appointment of person to preside in absence of judge.

SEC. 4. Chapter 457 of the Public-Local Laws of 1939 is amended by adding a new Section immediately following Section 4, and immediately preceding Section 5, to be designated Section 4½, and to read as follows:

"SEC. 4½. The Judge of the Recorder's Court of the Town of Dunn is authorized to set a time when all jury cases are to be heard, and upon the setting of such time, the court shall continue from day to day until all pending jury cases are disposed of, either by continuance or otherwise." Trial of jury cases.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1211 CHAPTER 1002

AN ACT RELATING TO THE FEES OF JURORS IN JONES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 9-5, as it appears in the 1947 Supplement to the General Statutes, is amended by adding at the end thereof a new paragraph to read as follows: G. S. 9-5, amended.

"In Jones County, all jurors in the Superior Court and inferior courts shall receive such an amount per day as the board of commissioners of said county may fix, not less than four dollars ($4.00) per day nor more than six dollars ($6.00) per day. In addition to the compensation herein fixed, all jurors in Jones County shall receive a travel allowance of five cents (5c) per mile while coming to the county seat and returning home, the distance to be computed by the usual route of public travel; Jones County, fees of jurors. Travel allowance.

provided, that this allowance shall be paid on the basis of one round trip per calendar week for each calendar week in which attendance is required."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1219 CHAPTER 1003

AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT OF BLADEN COUNTY FOR HIS SERVICES IN ACTING AS JUDGE OF THE JUVENILE COURT OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Bladen County, compensation of Clerk Superior Court as judge of Juvenile Court.

SECTION 1. In addition to all other fees or compensations now paid to the Clerk of the Superior Court of Bladen County, the Clerk of the Superior Court of Bladen County shall be paid the sum of six hundred ($600.00) dollars a year, payable in equal monthly installments out of the General Fund of Bladen County, as compensation for his services as judge of the juvenile court of said county.

Application of Act.

SEC. 2. That this Act shall apply to Bladen County only.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after the first day of July, 1949.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1225 **CHAPTER 1004**

AN ACT RELATING TO THE DISTRIBUTION OF THE NET PROFITS FROM THE OPERATION OF COUNTY LIQUOR CONTROL STORES IN WAYNE COUNTY, IF AND WHEN SUCH STORES ARE AUTHORIZED AND ESTABLISHED.

The General Assembly of North Carolina do enact:

Wayne County, distribution of net profits of A. B. C. Stores, if and when established.

SECTION 1. The Wayne County Board of Alcoholic Control, if and when established pursuant to election duly called and held, is authorized and directed to turn over to each of the municipalities in Wayne County in which county liquor control stores are hereafter established fifty per cent (50%) of the net profits derived from the operation of the store or stores located in such municipality, *provided* that the Wayne County Board of Alcoholic Control shall spend not less than five per cent (5%) nor more than ten per cent (10%) of such net profits before a division thereof to pay officers employed by said board for services in enforcing the provisions of the Alcoholic Beverage Control Act. Said Wayne County Board of Alcoholic Control shall turn over the other half of the net profits from the operation of the County Liquor Control Stores in Wayne County, after the expenditure of the sums herein specified for the enforcement of the Alcoholic Beverage Control Act, to the General Fund of Wayne County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 309 **CHAPTER 1005**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A STANDARD LOAF OF BREAD IN THIS STATE.

Preamble: Use of "blowing up process" in manufacture of bread.

WHEREAS, through what is known as the "blowing up process" in the manufacture of bread it is possible to produce a loaf of bread of inferior quality and of a size in excess of what is justified by the ingredients contained therein; and

WHEREAS, the purchasers of loaf bread by the appearance of the loaf rather than by weight; and

WHEREAS, said "blowing up process" creates an optical illusion which induces the purchaser to purchase loaf bread on sight

rather than by consideration of the actual weight of the loaf; and

Public should be protected by establishment of standard loaf.

WHEREAS, the public should be protected against such practice and the only means of protecting the public is to establish a standard loaf of bread in this State; *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S. 81-14, amended.

SECTION 1. That Chapter 81, Article 1, Section 14, of the General Statutes of North Carolina as amended, be and the same is hereby further amended by adding a new Section following Section 81-14.7 to read as follows:

G. S. 81-14.8. Establishment of standard loaves of bread, enacted.

"81-14.8 When loaves of bread are offered for sale or sold in this State, each loaf shall be of one of the following weights and lengths and no other, to-wit: 1 pound, 11½ inches maximum length, 5 inches maximum width at bottom; 1½ pounds, 15 inches maximum length, 5 inches maximum width at bottom; 2 pounds, 15 inches maximum length, 5 inches maximum width at bottom; 2½ pounds, 15 inches maximum length, 5 inches maximum width at bottom. The term loaf as used in this Section shall be construed to mean a loaf which is baked in a pan of rectangular shape, either with straight up or flared side, either with or without cover, and shall be known hereafter as the standard loaf."

"Loaf" defined.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 345 CHAPTER 1006

AN ACT TO AMEND CHAPTER 539 OF THE SESSION LAWS OF 1943, RELATING TO THE MAYOR'S COURT OF THE TOWN OF BENSON, IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 539, Session Laws, 1943, amended.

SECTION 1. Chapter 539 of the Session Laws of 1943 is hereby amended by adding the following paragraph at the end of Section 13 thereof:

Town of Benson, Mayor's Court, payment of court costs into general fund of town.

"All costs collected in the mayor's court, after the deduction of the State tax, shall be paid into the General Fund of the Town of Benson, and the board of commissioners of the town is hereby authorized to pay out of the general fund an amount sufficient to meet the expense of operating said court. No fees shall be collected by said court or paid to any official of said court."

Payment of expenses of operation of court.

SEC. 2. That the Board of Town Commissioners of the Town of Benson are hereby authorized, empowered, and directed to fix the salaries of the mayor and the members of the board of town commissioners for the said town and that the salary of the mayor shall be no less than $50.00 or more than $100.00 per month and the salaries of the members of the board of town commissioners shall be no less than $15.00 or more than $25.00 per month for each commissioner.

Salaries of mayor and members of board of commissioners.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 347 **CHAPTER 1007**

AN ACT TO PROHIBIT THE SALE OF ALCOHOLIC BEVERAGES, AND TO PROHIBIT GAMBLING WITHIN ONE MILE OF MOUNT ZION METHODIST CHURCH IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful to sell, or offer for sale, any wine, beer, ale, or any other alcoholic beverage, or to engage in or operate any game of billiards or pool, or to play or operate any slot machine, pin ball machine or any other gambling device or to engage in any form of gambling within a radius of one mile of Mount Zion Methodist Church in Johnston County only.

Johnston County, sale of alcoholic beverages, etc., near Mount Zion Church, prohibited.

SEC. 2. Violation of any provision of this Act shall constitute a misdemeanor, punishable upon conviction or submission by fine or imprisonment, or both, in the discretion of the court.

Violations made misdemeanor.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 364 **CHAPTER 1008**

AN ACT RELATING TO THE PREPAYMENT OF TAXES IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Anson County, provision for prepayment of taxes.

SECTION 1. Prepayments on taxes made before the tax books shall have been turned over to the Tax Collector of Anson County may be made to the tax collector, as hereinafter provided.

Delivery of books for current year's taxes to tax collector prior to annual settlement.

SEC. 2. The Governing Board of Anson County may order the tax books for the current year's taxes, or for any succeeding years, turned over to the tax collector on July 1, 1949, or July 1 of any succeeding year, or as soon as such books are ready, and prior to the annual settlement for the preceding year's taxes, when the tax collector shall have (1) demonstrated to the satisfaction of the chief accounting officer that all monies received by him have been deposited to the credit of Anson County, or otherwise satisfactorily accounted for: and (2) provided adequate bond or bonds satisfactory to the governing body for the current taxes, and all prior taxes in his hands for collection. If the tax books for the current year's taxes shall be delivered to the tax collector under the provisions of this paragraph and the collector shall thereafter fail to make his annual settlement for prior year's taxes not later than the first Monday in October following the delivery of the current year's tax books to him, without showing good and legal cause to the satisfaction of the governing board, the governing board shall immediately take out of the hands of such collector all taxes, whether for the current year or for prior years, and all tax books and records pertaining to such taxes and shall immediately cause the accounts of such collector to be audited.

Procedure upon failure of tax collector to make annual settlement.

Application of Act.

SEC. 3. That provisions of this Act shall apply only to Anson County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 343 **CHAPTER 1009**

AN ACT TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA UTILITIES COMMISSION; TO PROVIDE FOR THE ORGANIZATION OF THE WORK OF THE COMMISSION, AND TO PROVIDE FOR THE EMPLOYMENT OF TECHNICALLY QUALIFIED PERSONNEL.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 62-1 of the General Statutes is hereby repealed and reenacted to read as follows:

G. S. 62-1, as to N. C. Utilities Commission, rewritten.

Number and appointment of commissioners; terms.

G. S. 62-1. Number and appointment of commissioners; terms. The North Carolina Utilities Commission shall consist of five commissioners, who shall be appointed by the Governor, by and with the consent of the 1949 Senate, before adjournment sine die. Upon the expiration of the terms of the three commissioners now serving under appointments for terms of six years, their successors shall be appointed for terms of six years beginning the first day of February of the year in which their present terms expire, respectively. The two additional commissioners shall be appointed for terms expiring the first day of February, 1953, and upon the expiration of their terms their successors shall be appointed for terms of four years, respectively. The salary of the additional commissioners shall be fixed by the Director of the Budget, subject to approval of the Advisory Budget Commission, not in excess of the salaries now paid to the other commissioners.

SEC. 2. That Section 62-2 of the General Statutes be repealed and the following substituted in lieu thereof:

G. S. 62-2, rewritten.

Organization of commission.

G. S. 62-2. Organization of the commission. To facilitate the work of the commission and for administrative purposes, the chairman of the commission, with the consent and approval of the commission, may organize the work of the commission in several divisions and may designate a member of the commission as the head of any division or divisions and assign to members of the commission various duties in connection therewith.

SEC. 3. That Article 1, Chapter 62, of the General Statutes be amended by adding a new Section as follows:

G. S. Ch. 62, amended.

G. S. 62-10.1, authority of Utilities Commission to employ technically qualified personnel, enacted.

G. S. 62-10.1. Authority of Utilities Commission to employ technically qualified personnel. The Utilities Commission is authorized and empowered to employ technically qualified personnel to serve as members of its staff and under its direction and supervision, including a communications engineer, an electrical engineer, a director of accounting, a transportation expert, and such other experts as the commission may determine to be necessary in the proper discharge of the commission's duties as prescribed by law.

Conflicting laws repealed.

SEC. 4. Repealing clause. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. Effective date. That this Act shall become effective from and after its ratification

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 355 CHAPTER 1010

AN ACT TO AMEND SECTION 50-13 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATIVE TO THE CUSTODY OF CHILDREN.

The General Assembly of North Carolina do enact:

G. S. 50-13, custody of children in divorce, amended.

SECTION 1. That Section 50-13 of the General Statutes of North Carolina be, and the same is hereby amended by rewriting the first sentence of the second paragraph of said Section so that said sentence shall read as follows:

Determination of custody of children of parents divorced outside of North Carolina.

"*Provided,* custody of children of parents who have been divorced outside of North Carolina, and controversies respecting the custody of children not provided for by this Section or Section 17-39 of the General Statutes of North Carolina, may be determined in a special proceeding instituted by either of said parents, or by the surviving parent if the other be dead, in the Superior Court of the county wherein the petitioner, or the respondent or child at the time of filing said petition, is a resident."

Pending litigation unaffected.

SEC. 2. This Act shall not apply to pending litigation.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 911 CHAPTER 1011

AN ACT TO PERMIT LAW ENFORCEMENT OFFICERS TO BECOME MEMBERS OF THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM OR THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND AT THEIR ELECTION.

The General Assembly of North Carolina do enact:

G. S. 128-24, membership of N. C. Local Governmental Employees' Retirement System, amended as to law enforcement officers.

SECTION 1. Subsection (1) of G. S. 128-24 is hereby amended by striking out the period appearing after the word "town" in the last line and at the end of said Subsection (1) and by inserting in lieu of said period a comma and the following: "except that law enforcement officers, as defined in Subsection (m) of Section 143-166 of the General Statutes, may elect to become members of the Law Enforcement Officers' Benefit and Retirement Fund or the North Carolina Local Governmental Employees' Retirement System."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1064 CHAPTER 1012

AN ACT TO ALLOW COUNTIES PARTICIPATING IN A DISTRICT HEALTH DEPARTMENT TO VOLUNTARILY ELECT TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO THE EXTENT OF THE AMOUNT OF SALARIES PAID TO THE EMPLOYEES OF SUCH DISTRICT HEALTH DEPARTMENT BY THE COUNTY.

The General Assembly of North Carolina do enact:

G. S. Ch. 128, amended.

SECTION 1. Amend Chapter 128 of the General Statutes, as amended, by adding thereto a new Section, to be designated as Section 128-37, which said Section shall read as follows:

G. S. 128-37, membership of employees of district health departments in N. C. Local Governmental Employees' Retirement System, enacted.

"SEC. 128-37. Under such rules and regulations as the board of trustees shall establish and promulgate, the boards of county commissioners of any group of counties composing a district health department may elect that employees of such district health department may be members of the North Carolina Local Governmental Employees' Retirement System to the extent of

that part of their compensation paid by the various counties composing said district health department."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1087 CHAPTER 1013

AN ACT TO AMEND SECTION 128-24 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

G. S. 128-24, amended as to membership of employees of county welfare departments in N. C. Local Governmental Employees' Retirement System.

SECTION 1. Section 128-24 of the General Statutes of North Carolina is hereby amended by rewriting the last proviso of the Section to read as follows:

"*Provided, further,* that employees of county welfare and health departments whose compensation is derived from Federal, State, and local funds may be members of the North Carolina Local Governmental Employees' Retirement System to the full extent of their compensation."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1090 **CHAPTER 1014**

AN ACT TO PROVIDE FOR THE TRANSFER OF THE TITLE OF CERTAIN TRUCKS AND HOUSE TRAILERS FROM THE STATE DEPARTMENT OF MOTOR VEHICLES TO THE STATE DEPARTMENT OF ARCHIVES AND HISTORY AND THE STATE DEPARTMENT OF AGRICULTURE JOINTLY.

The General Assembly of North Carolina do enact:

Department of Motor Vehicles, transfer of title to certain vehicles to designated State departments authorized.

SECTION 1. The State Department of Motor Vehicles is hereby authorized, empowered and directed to transfer the right, title and interest, which it has in three of the house trailers which were used in connection with the motor vehicle inspection program, and in three of the trucks which the State Department of Motor Vehicles has been using for towing said house trailers in connection with the mechanical inspection program, to the State Department of Archives and History and the State Department of Agriculture (State Museum Division) jointly for the purpose of travelling educational exhibits and displays. The State Department of Archives and History and the State Department of Agriculture (State Museum Division) shall pay to the State Department of Motor Vehicles for said trucks and trailers a sum which shall be agreed to by all of the aforesaid departments.

Purpose of transfer.

Payment for vehicles.

Conditional authorization.

SEC. 2. In the event the 1949 General Assembly enacts a mechanical inspection law which would require the use of the aforesaid house trailers and trucks by the State Department of Motor Vehicles in connection with said law, it shall not be necessary for the State Department of Motor Vehicles to make the transfer required in Section 1 of this Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1097 CHAPTER 1015

AN ACT TO ALLOW ALCOHOLIC BOARDS OF CONTROL OF CITIES AND COUNTIES AND THEIR EMPLOYEES TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

G. S. 128-21, amended as to definition of "employer" under N. C. Local Governmental Employees' Retirement System.

SECTION 1. Amend Subsection 2 of G. S. 128-21, as the same appears in the 1947 Cumulative Supplement to the General Statutes, by striking out the comma appearing after the word "town" in line 4 of said Subsection 2 and by adding after the word "town" and before the word "participating" in line 4 of said Subsection 2 the following: "or the board of alcoholic control of any county or incorporated city or town."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1134 CHAPTER 1016

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES AS THE SAME RELATES TO DIRECTIONAL SIGNALING DEVICES ON VEHICLES AND THE RIGHT OF WAY OF VEHICLES IN INTERSECTIONS.

The General Assembly of North Carolina do enact:

G. S. 20-154, Motor Vehicle Act, amended.

SECTION 1. Rewrite the first paragraph of Subsection (b) of G. S. 20-154 to read as follows:

Signals on starting, stopping or turning.

"The signal herein required shall be given by means of the hand and arm in the manner herein specified, or by any mechanical or electrical signal device approved by the department, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible, both to the front and rear, the signal shall be given by a device of a type which has been approved by the department."

G. S. 20-155, right-of-way at intersections, amended.

SEC. 2. Rewrite Subsection (b) of Section 20-155 of the General Statutes to read as follows:

"(b) The driver of a vehicle approaching but not having entered an intersection and/or junction, shall yield the right of way to a vehicle already within such intersection and/or junction whether the vehicle in the junction is proceeding straight

ahead or turning in either direction: *Provided*, that this Subsection shall not be interpreted as giving the right of way to a vehicle already in an intersection and/or junction when said vehicle is turning either to the right or left unless the driver of said vehicle has given a plainly visible signal of intention to turn as required in Section 20-154."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. B. 1171 CHAPTER 1017

AN ACT TO AMEND G. S. 97-29 RELATING TO THE COMPENSATION FOR TOTAL INCAPACITY CAUSED BY SPINAL PARALYSIS.

The General Assembly of North Carolina do enact:

G. S. 97-29, Workmen's Compensation Act, amended.

SECTION 1. G. S. 97-29 as it appears in the Cumulative Supplement of 1947 is amended by rewriting the second paragraph thereof to read as follows:

Benefits for total and permanent disability due to spinal paralysis.

"In cases of total and permanent disability due to paralysis resulting from an injury to the spinal cord the commission may, in its discretion taking into consideration the financial need and necessity of the injured employee, enter an award and pay compensation and reasonable, necessary medical, nursing, hospital and other treatment expenses from the second injury fund during the life of the injured employee where the injury occurred prior to the effective date of this amendment and compensation is still being paid or in cases where the last payment of compensation has been made subsequent to January 1, 1941; such compensation, to be paid only from April 4, 1947 and after the employer's liability for compensation, medical, nursing, hospital and other treatment expenses has ceased; but when compensation is allowed in any case under this amendment, the commission may authorize payment of medical, nursing, hospital, and other treatment expenses accrued prior to the date compensation was allowed but after the employer's liability therefor has ceased; provided funds are available after paying claims in second injury cases; *provided further* should the fund be insufficient to pay compensation, medical, nursing and hospital expenses, then the said expenses shall be paid first and compensation thereafter according to the availability of funds."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

S. B. 146 CHAPTER 1018

AN ACT TO AMEND G. S. 112-34 PROVIDING FOR BURIAL OF CONFEDERATE PENSIONERS DYING IN STATE AND LOCAL INSTITUTIONS.

The General Assembly of North Carolina do enact:

G. S. 112-34, Confederate pensions, amended as to payment by State on burial expenses.

SECTION 1. That G. S. 112-34 is hereby amended by striking out the period at the end of said Section and inserting a colon in lieu thereof, and by adding thereto the following:

"*Provided further,* that this Section shall apply to persons who otherwise would be entitled to be pensions but who are not on pension roll at time of death because of being admitted to county home, county institution or State institution."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 198 CHAPTER 1019

AN ACT TO PROVIDE FOR CREDITS ON STUDENT LOANS FOR THOSE PHYSICIANS, DENTISTS, PHARMACISTS AND NURSES WHO PERFORM PROFESSIONAL SERVICES IN RURAL AREAS AS DEFINED BY THE MEDICAL CARE COMMISSION.

The General Assembly of North Carolina do enact:

G. S. 131-121, medical student loan fund, amended.

SECTION 1. Amend G. S. 131-121, as the same appears in Chapter 1096 of the Session Laws of 1945, and as amended by Section 2 of Chapter 933 of the Session Laws of 1947, (the complete Section appearing as G. S. 131-121 of the Cumulative Supplement of 1947 of the General Statutes), by adding another paragraph at the end of said Section, reading as follows:

"The North Carolina Medical Care Commission is hereby authorized and empowered to establish and promulgate rules and regulations fixing fair and reasonable standards, systems and plans whereby physicians, dentists, pharmacists, and nurses receiving loans under this Section shall receive a credit on the principal and/or interest of such loan in an amount fixed by such commission for each year, or other period of time as fixed by regulation, of practicing his or her profession in a rural area as defined in this Section."

Establishment of system for credits on student loans for professional services in rural areas.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 203 CHAPTER 1020

AN ACT TO SETTLE A LONG-STANDING DEBT OWED BY THE STATE TO THE COUNTIES OF THE STATE BY APPROPRIATING FUNDS TO AID IN THE CONSTRUCTION AND REPAIR OF SCHOOL PLANT FACILITIES.

WHEREAS, it is the statutory duty of the several counties of the State to provide capital outlay funds for the construction, maintenance and repair of school plant facilities, and it is the constitutional and stautory duty of the State to provide funds for the operation of the public schools of the State upon a uniform basis, subject to local supplements, for a uniform term; and

Preamble: Statutory duties of counties and State with respect to public schools.

WHEREAS, the ad valorem taxes levied by the counties for capital outlay purposes have, by necessity, been used to aid the State in the performance of its duty of operating the six, eight and nine months' school terms; and

Use of county taxes to aid State in performance of its duty.

WHEREAS, the diverting of these capital outlay funds to the current expense funds and the existence of building restrictions and the shortage of building materials has caused school plant facilities to fall into a state of disrepair; and

Condition of school plant facilities.

WHEREAS, an emergency exists with respect to school plant facilities; and

WHEREAS, the expenditure of the county funds for State obligations has resulted in the debt due by the State to the counties; and

Debt of State to counties.

WHEREAS, the State desires to settle this debt without establishing a policy of State construction and repair of school

Desire of State to settle debt.

plant facilities and without acknowledging any constitutional or statutory duty or liability with respect to the construction and repair of school plant facilities; and

Effect of settlement of debt.

WHEREAS, the settlement of this debt will ameliorate the existing emergency and discharge the State of all future responsibility for school plant construction and repair: *Now, therefore,*

The General Assembly of North Carolina do enact:

Appropriation for "School Plant Construction Improvement and Repair Fund."

SECTION 1. For the purpose of aiding the various counties of the State in the construction, improvement and repair of school plant facilities, and as a grant in aid for such purposes, there is hereby appropriated the sum of fifty million dollars ($50,000,000.00). The money hereby appropriated shall be placed in a special fund, to be known as the "School Plant Construction, Improvement and Repair Fund", and shall be disbursed only as hereinafter provided. The appropriation herein made is contingent upon the issuance of bonds of the State in the total amount of fifty million dollars ($50,000,000.00) pursuant to an election to be held as hereinafter provided.

Appropriation contingent upon bond issue pursuant to election.

Allocation of appropriated funds to counties.

SEC. 2. From the funds appropriated in Section 1 of this Act, there is hereby allocated to each county of the State the sum of two hundred and fifty thousand dollars ($250,000.00) to be expended and disbursed under the direction and supervision of the State Board of Education for the construction, improvement, and repair of school plant facilities. The sum of twenty-five million dollars ($25,000,000.00) of the fifty million dollars ($50,000,000.00) appropriated in Section 1 of this Act shall be distributed on a per capita basis among the several counties of the State as determined by the average daily membership of the schools of each county for the school year 1947-48 as shown on the records of the State Superintendent of Public Instruction.

Purposes for which allocated funds may be used.

The funds allocated to the counties of the State pursuant to the provisions of this Section may be used only for the construction, improvement, and repair of school plant facilities, and for these purposes such funds may be used to match State, Federal or county funds: *Provided,* that if the proposed fifty million dollar ($50,000,000.00) School Plant Construction Improvement and Repair bond issue shall fail to receive the approval of a majority of those voting in the election to be held pursuant to Section 3 of this Act, the two hundred and fifty thousand dollars ($250,000.00) allotted to each county of the State shall not be made available to each of the counties as provided in this Act.

Allotment of funds to counties contingent upon approval of appropriation by election.

Deduction for surveys and plans for construction, etc., of school buildings from funds allotted to counties.

The State Board of Education is hereby authorized to deduct not exceeding one-fourth of one per cent (¼ of 1%) from the amount allocated to each county of the State under this Section and use the same for providing surveys and plans for construction, improvement, or repairs of school buildings. Such surveys and plans shall be made available to the counties of the State

through the Division of Schoolhouse Planning without any additional charge to said counties.

Issuance of bonds, subject to election.

SEC. 3. In order to carry out the purpose of this Act the State is hereby authorized, subject to the approval of the majority of the qualified voters at an election to be held as hereinafter provided, to issue and sell bonds in the total amount of fifty million dollars ($50,000,000.00), and said bonds shall be known as "State of North Carolina School Plant Construction and Repair Bonds". Such bonds shall be signed on behalf of the State of North Carolina by the Governor and State Treasurer or facsimiles of their signatures shall be affixed thereto. The said bonds shall be serial bonds and shall bear such date or dates and shall mature at such times and in such amounts within a twenty-year period from date of issuance as may be fixed by the State Treasurer with the approval of the Governor and Council of State. Said bonds shall bear interest at a rate to be fixed by the Governor and Council of State not exceeding four per centum (4%) per annum to be payable semiannually on the first days of January and July.

Execution of bonds.

Serial bonds.

Rate of interest.

Interest coupons.

Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer, or a facsimile thereof, and said bonds shall be subject to registration and be signed and sealed, or a facsimile of the seal may be affixed thereto, as is now or may hereafter be provided by law for State bonds, and the form and denomination thereof shall be such as the State Treasurer may determine in conforming with this Act.

Registration of bonds.

Form and denomination.

Sale of bonds.

Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds to satisfy the appropriation hereinbefore provided for, such sales to be made at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest, and when the conditions are equal he shall give the preference of purchase to the citizens of North Carolina. All expenses necessarily incurred in the preparation and sale of the bonds shall be paid from the proceeds of such sale.

Disposition of proceeds of bonds.

The proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the Treasurer in the special fund known as the "School Plant Construction, Improvement and Repair Fund".

Issuance of bond anticipation notes.

By and with the consent of the Governor and Council of State, who shall determine the rate or maximum rate of interest within the limit herein specified and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow

money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the Treasurer shall deem it advisable to postpone the issaunce of such bonds.

(b) For the payment of interest upon or any installment of principal of any of said bonds then outstanding, if there shall not be sufficient funds in the State Treasury with which to pay such interest or installment as they respectively fall due.

(c) For the renewal of any loan evidenced by notes herein authorized.

Payment of bond anticipation notes.

Funds derived from the sale of bonds herein authorized shall be used in the payment of any bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any renewals of such notes; and funds which may be provided by the General Assembly for the payment of interest and/or principal of bonds herein authorized shall be used in paying the principal and/or interest of any notes and any renewals thereof, the proceeds of which shall have been used in paying interest and/or principal of such bonds. Interest payments upon said notes may be evidenced by interest coupons in the Treasurer's discretion.

Pledge of full faith and credit of State.

The full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized.

Coupons receivable in payment of taxes, etc., due State.

The coupons of said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Bonds, notes and coupons exempt from taxation.

All of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

Investment in bonds and notes by fiduciaries.

It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissioners, to invest any monies in their hands in said bonds and notes.

Election on issuance of bonds.

Date to be fixed by Governor.

The question of the issuance of the said school plant construction, improvement and repair bonds shall be submitted to the qualified voters of the State of North Carolina at an election to be held on a date during 1949, to be fixed by the Governor:

Provided, that if an election shall be held during the year 1949 upon the question of the issuance of highway or road bonds, the election herein provided shall be held upon the same date as such road bond election. The said election shall be held under and in accordance with the general election laws of the State of North Carolina, except that no absentee ballots shall be allowed in said election. The State of North Carolina shall reimburse the counties of the State for all of the necessary expenses for holding said election, the same to be paid out of the Contingency and Emergency Fund. The State Board of Elections shall cause to be printed and distributed the ballots which are to be used in said election, which said ballots shall bear the facsimile signature of the Chairman of the State Board of Elections and shall be in substantially the following form:

Conduct of election.

Payment of expenses of election.

Ballots.

Form of ballot.

Fifty Million Dollars School Plant Construction And Repair Bonds Ballot.

☐ For the issuance of Fifty Million Dollars School Plant Construction and Repair Bonds.

☐ Against the issuance of Fifty Million Dollars School Plant Construction and Repair Bonds.

(Facsimile signature)
Chairman, State Board of Elections

Those voting in said election who are in favor of the issuance of said bonds shall vote by making an X or check mark in the square opposite the words "For the issuance of Fifty Million Dollars School Plant Construction and Repair Bonds".

Those opposed to the issuance of said bonds shall vote by making an X or check mark in the square opposite the words "Against the issuance of Fifty Million Dollars School Plant Construction and Repair Bonds".

If a majority of those voting in said election shall vote in favor of the issuance of the said bonds, the said bonds shall be issued as hereinbefore provided. In the event a majority of those voting in said election shall vote against the issuance of said bonds, said bonds shall not be issued.

Election results.

The result of said election shall be canvassed and declared as provided by law for the holding of elections for State officers and the result thereof certified by the State Board of Elections to the Secretary of State of North Carolina, in the manner and at the time provided by the general election laws of the State.

Certification of result of election.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 248 **CHAPTER 1021**

AN ACT CREATING THE "CHARLES B. AYCOCK MEMORIAL COMMISSION" AND AUTHORIZING IT TO ACQUIRE THE BIRTH PLACE AND HOME OF FORMER GOVERNOR CHARLES B. AYCOCK TO BE ESTABLISHED AS A PERPETUAL MEMORIAL AND SHRINE, AND APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS ($5000.00) TO ENABLE THE COMMISSION TO ACQUIRE SAID PROPERTY.

Preamble: Birthplace of Governor Charles B. Aycock a State Shrine.

WHEREAS, pursuant to S. R. No. 67 the Governor appointed a joint commission of the State Senate and of the House of Representatives for the purpose of making a study as to the advisability and feasibility of acquiring the birth place of Governor Charles B. Aycock and establishing it as a State Shrine in appreciation and recognition of his outstanding services and leadership in the State; and

Consideration of matter by commission.

WHEREAS, the said joint commission has visited the premises and discussed the proposal with a large number of citizens of the State and has given the matter the most careful consideration; and

Offer of birth place as gift if restoration can be perfected.

WHEREAS, the descendants of the late Honorable Ben F. Aycock, a brother of the late Charles B. Aycock, have offered to make a gift of the site and buildings which constituted the birth place and home of Governor Aycock, if restoration thereof can be perfected; and

Recommendation of commission.

WHEREAS, the said commission has recommended the acceptance of the birth place and home of former Governor Charles B. Aycock and to restore and preserve it as a memorial to him: *Now, therefore,*

The General Assembly of North Carolina do enact:

Charles B. Aycock Memorial Commission created; membership.

SECTION 1. There is created the "Charles B. Aycock Memorial Commission" to be composed of twenty-one members, three of whom—the Director of the State Department of Archives and History, the Superintendent of Public Instruction, and the Director of the Department of Conservation and Development—shall serve as ex-officio members, and eighteen by the Governor, six of whom shall be named for a term of two years, six for a term of four years and six for a term of six years, who shall hold membership on said commission for the term specified or until their successors are named by the Governor and any vacancies occurring shall be filled by the Governor for the unexpired term of the person whose vacancy is to be filled.

Terms.

Vacancy appointments.

Authority of Commission to receive property, solicit funds, etc., for establishment of memorial.

SEC. 2. The commission is authorized and empowered to receive property, both real and personal, by gift, devise, bequest, or otherwise and to solicit funds for the restoration and repair in establishing said memorial and to convey any property re-

ceived by it to the State of North Carolina. The governing bodies of the counties and municipalities of the State are authorized to appropriate any surplus funds, not derived from ad valorem taxation to said commission for the purposes of acquiring and establishing the memorial herein authorized. The commission may organize such groups or units as in its discretion may be helpful in raising funds through organizations, societies, schools and clubs throughout the State.

Appropriations by counties and municipalities to commission.

Organization of groups for solicitation of funds.

SEC. 3. There is appropriated out of the General Fund of the State of North Carolina the sum of five thousand dollars ($5000.00) on the conditions hereinafter set out, for the purpose of aiding said commission to acquire said property and establish it as a perpetual memorial of Governor Charles B. Aycock.

Conditional appropriation by State.

SEC. 4. When the commission has acquired the property in question, or has binding contracts for the conveyance of same, and has on hand a sufficient sum of money, including the appropriation herein authorized to acquire said property and to restore it suitably for the purposes of establishing said memorial, the five thousand dollars ($5000.00) herein appropriated shall be available to said commission upon a good and sufficient deed being executed conveying said property and all the improvements thereon to the State of North Carolina to be administered by the Division of Parks of the Department of Conservation and Development.

Appropriation authorized upon fulfillment of conditions.

SEC. 5. When the property is so acquired, and has been fully restored and conveyed to the State of North Carolina, that the Charles B. Aycock Memorial Commission be dissolved. The members of said commission shall serve without compensation and shall not be entitled to subsistence and transportation.

Dissolution of commission.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 249 **CHAPTER 1022**

AN ACT TO AMEND SECTION 51-3 OF THE GENERAL STATUTES OF NORTH CAROLINA OF 1943 TO PROTECT THE OFFSPRING OF PARENTS WHO HAVE BEEN MARRIED UNDER THE AGE OF 16.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 51-3 of the General Statutes of North Carolina of 1943 be amended by adding at the end of said Section the following proviso: "*Provided further*, that no marriage by persons either of whom may be under sixteen years of

G. S. 51-3, declaring void marriages by persons under minimum age, amended to protect offspring.

age, and otherwise competent to marry, shall be declared void when the girl shall be pregnant, or when a child shall have been born to the parties unless such child at the time of the action to annul shall be dead."

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 322 CHAPTER 1023

AN ACT ALLOCATING CERTAIN DELINQUENT TAX COLLECTIONS TO THE GENERAL FUND OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Johnston County, allocation of delinquent tax collections to general fund.

SECTION 1. Collections hereafter made of any taxes due Johnston County, which at the beginning of any fiscal year were due and payable five years or more prior thereto, shall be credited to and deposited in the General Fund of Johnston County; *provided*, that the allocation of delinquent tax collections to the general fund as herein provided shall not apply to the proceeds of collections of school fund taxes.

Application of Act.

SEC. 2. This Act shall apply only to Johnston County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 356 CHAPTER 1024

AN ACT TO AUTHORIZE THE ORGANIZATION OF MUNICIPAL CORPORATIONS FOR THE PURPOSE OF CONSTRUCTING AND OPERATING TOLL ROADS.

The General Assembly of North Carolina do enact:

Petition for organization of municipal corporation for purpose of operating toll road or highway.

SECTION 1. Any number of persons not less than ten (10) are hereby authorized and empowered to file a petition with the Municipal Board of Control created by G. S. 160-195, for the organization and creation of a Municipal Corporation for the purpose of acquiring rights of way, owning and operating a toll road or highway in the State.

SEC. 2. The petition shall be presented to the secretary of the Municipal Board of Control and shall set forth the name by which the municipal corporation is to be known and shall describe in a general way the location of the proposed highway or toll road which is to be constructed or acquired, and by giving the names of the owners of the lands over which the said toll road or highway is to be constructed. The said petition shall describe in general terms the nature of the highway to be constructed and the width of the right of way which is desired to be acquired, which shall not exceed a width of one hundred (100) feet.

Petition presented to Municipal Board of Control; contents.

The secretary of said board shall thereupon make an order prescribing the time and place for the hearing of said petition before the Municipal Board of Control. Notice of hearing shall be published once a week for four weeks in a newspaper published in or having a circulation in the county or counties where such toll road or highway is to be constructed, giving notice of the proposal to organize a municipal corporation for such purpose. Such notice is to be signed by the secretary of said board.

Hearing of petition.

Notice of hearing.

SEC. 3. Any person in any manner interested in the laying out and construction of the said toll road or highway may appear at the hearing of such petition, and the matter shall be tried as an issue of fact by the Municipal Board of Control, and no formal answer to the petition need be filed. The board may adjourn the hearing from time to time in its discretion. The Municipal Board of Control shall determine whether or not the laying out, construction and operation of the toll road is in the public interest and whether all the requirements of this Act have been substantially complied with and, if the Municipal Board of Control shall so find, it shall enter an order creating a municipal corporation and fixing the name of the same, giving it the name proposed in the petition unless, for good cause, it finds that some other name should be provided.

Hearing procedure.

Order creating municipal corporation.

All papers in reference to the organization of such municipal corporation shall be filed and recorded in the office of the Secretary of State, and certified copies thereof shall be filed and recorded in the office of the Clerk of the Superior Court of the county in which such municipal corporation shall operate. The fees shall be the same as now provided for organization of a private non-stock corporation and shall be paid out of the funds of such municipality.

Recordation of papers relating to organization of corporation.

Fees.

Upon the approval of the Municipal Board of Control and the recording of the papers, as above provided, the organization shall become a municipal corporation with such powers and functions as are prescribed in this Act.

Organization declared municipal corporation.

SEC. 4. Within ninety (90) days after the organization of such municipal corporation, the petitioners for the same shall meet at the courthouse of the county in which the said toll road or highway or some part thereof is located and elect a board of

Meeting for election of governing board of municipal corporation.

not less than three (3) nor more than seven (7) commissioners which shall act as the governing board of said municipal corporation. Notice of the time and place of such meeting may be given by any three (3) of the petitioners, and such board of commissioners, when elected, shall serve for a term of six (6) years from the date of their election or until their successors are duly elected and qualified. The successors to such board of commissioners shall be elected by the commissioners before their term of office expires, and any vacancy in the membership thereof shall be filled by the remaining members of the said commission.

Notice of meeting.

Term of board of commissioners.

Vacancy appointments.

Organization of board of commissioners.

SEC. 5. The board of commissioners of said municipal corporation shall elect a president and secretary thereof and adopt a common seal, said officers to serve for a term of six years or until their successors are duly elected and qualified. Any vacancies occurring in such offices shall be filled by the appointment of the board of commissioners for the unexpired term of the one creating such vacancy.

Authority of corporation to construct and operate toll road.

SEC. 6. That the said municipal corporation, when organized, is hereby authorized and empowered to lay out, open up, own and construct and operate a toll road over the route designated in the petition and to make such reasonable charges for the use of said highway as shall be approved by the North Carolina Utilities Commission.

Power of eminent domain.

SEC. 7. In the event the said municipal corporation is unable to agree with the owner of the land across whose land a toll road or highway is to be constructed as to the acquisition of the right of way across such land for the use and operation of the said toll road, the said municipal corporation shall have the right to acquire such easement and right of way by eminent domain upon compliance with the provisions of the Public Works Eminent Domain Law, set forth in Article 3 of Chapter 40, of the General Statutes, *provided* that the said right of way shall not exceed one hundred (100) feet in width, or, such right of way may be condemned in accordance with provisions of Article 2 of Chapter 40 of the General Statutes of North Carolina.

Operation of corporation for public benefit.

SEC. 8. That said corporation, when created, shall be operated entirely for the benefit of the public, and no person shall receive any profits whatever from the operation thereof, except that the officers and employees of said corporation shall be paid by the governing board thereof reasonable compensation for services rendered.

Issuance of revenue bonds.

SEC. 9. In order to defray the costs of the acquisition of right of way and the construction of the said toll road or highway and structures which are placed thereon, the said municipal corporation is hereby authorized and empowered to issue revenue bonds, in accordance with the provisions of Revenue Bond Act of 1938, as set forth in Article 34 of Chapter 160 of the General Statutes, and G. S. 160-423 shall not be applicable as to any bonds issued

by such municipality, and the same may be issued at any time thereafter as may be determined by the governing board thereof.

Bonds, notes and coupons exempt from taxation.

SEC. 10. That all of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation. All the property of the said corporation shall be exempt from all taxation.

Property of corporation exempt from taxation.

Provision for acquisition of toll road or highway by State Highway and Public Works Commission.

SEC. 11. In the event the State Highway and Public Works Commission shall at any time hereafter determine to acquire any toll road or highway which may be constructed by a municipal corporation organized under the provisions of this Act, for the purpose of operating the same as a part of the State highway system, the State Highway and Public Works Commission shall have a right to acquire the same and to enter into an agreement with the municipal corporation created under the provisions of this Act for the acquisition of such road or highway, and all rights of such municipal corporation therein, upon the condition that the State Highway and Public Works Commission shall pay or assume all of the outstanding obligations of such municipal corporation, including any outstanding bonds, incurred or issued in the acquisition of rights of way and construction of such improvements and, upon such contract being entered into, all of the right, title and interest of such municipal corporation created hereunder to such toll road or highway shall cease and determine and the same shall become a part of the State highway system, and such road or highway may be operated as a toll road or otherwise, as the State Highway and Public Works Commission may determine.

Payment or assumption of outstanding obligations of corporation.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 13. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 365 CHAPTER 1025

AN ACT AUTHORIZING THE ESTABLISHMENT OF LIQUOR CONTROL STORES IN THE TOWN OF CLINTON UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORES.

The General Assembly of North Carolina do enact:

Town of Clinton, election on question of operation of liquor control stores.

SECTION 1. That the Governing Board of the Town of Clinton may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not liquor control stores may be operated in the Town of Clinton, and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of liquor control stores, no such stores shall be set up or operated in said town under the provisions of this Act.

Effect of election results.

Notice of election.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly reigstered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Liquor Control Stores", "Against Liquor Control Stores". Those favoring setting up and operating liquor stores in the Town of Clinton shall mark in the voting square to the left of the words "For Liquor Control Stores" printed on the ballot, and those opposed to liquor control stores shall mark in the voting square to the left of the words "Against Liquor Control Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for Members of the General Assembly.

Registration.

Form of ballot.

Conduct of election.

Closing of stores by majority vote in subsequent elections.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Liquor Control Stores", the liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said stores and shall thereafter cease to operate the same, and within said three months the control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said

Disposal of property.

board and convert the same into cash and turn the same over to the General Fund of the Town of Clinton. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Clinton in force and effect prior to the authorization to operate liquor control stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Liquor Control Stores". No election shall be called and held in the Town of Clinton under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Governing Board of the Town of Clinton to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Clinton general election or primary election, or within thirty (30) days of any such election.

Application of laws as to sale of intoxicating beverages.

Limitation as to time between elections.

Time of special election upon petition.

SEC. 4. If the operation of liquor control stores is authorized under the provisions of this Act, the Mayor and the Governing Board of the Town of Clinton shall immediately create a board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Clinton Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing board of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Creation of Board of Alcoholic Control.

Membership of board; terms.

Successor and vacancy appointments.

SEC. 5. The said Town of Clinton Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Clinton Board of Alcoholic Control and the operation of any liquor store authorized under the provisions of this Act shall be subject to and in accordance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Clinton Board of Alcoholic Control.

Powers and duties of board.

Application of provisions of G. S. Ch. 18, Art. 3.

Use of net profits derived from operation of stores.

SEC. 6. The net profits derived from the operation of liquor control stores shall be paid into the General Fund of the Town of Clinton, and such funds may be appropriated and expended by such governing board for any lawful purpose, including the following purposes:

Public parks, playgrounds, etc.

A. Acquisition and improvement of lands for public parks, playgrounds and recreational centers and the maintenance and operation of same.

Salaries of public school teachers.

B. To supplement the salaries of public school teachers teaching in the Clinton Town Administrative Unit.

Town Administrative Unit Schools.

C. To operate the Town Administrative Unit Schools at a higher standard than provided by county or State support, but for a term of not more than one hundred eighty (180) days.

Airports or landing fields.

D. Acquiring, constructing, improving, maintenance and operation of airports or landing fields for the use of airplanes or aircraft.

Public hospitals.

E. Acquisition of sites and construction, maintenance, and operation of public hospitals.

Public libraries, art museums and armories.

F. For the acquisition, maintenance, operation, enlargement and improvement of public libraries, public art museums, and armories.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Act inoperative if county election called within 60 days.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on Alcoholic Beverage Control stores, as now provided by law, within sixty days from the ratification of this Act.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 395 **CHAPTER 1026**

AN ACT TO PLACE THE CLERK OF THE RECORDER'S COURT OF PERQUIMANS COUNTY ON A SALARY BASIS.

The General Assembly of North Carolina do enact:

Perquimans County, Clerk of Recorder's Court placed on salary basis.

SECTION 1. Effective June 1, 1949, the Clerk of the Recorder's Court of Perquimans County is placed on a salary basis.

Appointment of clerk; salary.

SEC. 2. The Board of County Commissioners of Perquimans County is authorized to appoint some suitable person to serve as the clerk of the recorder's court of said county, and is authorized to fix the salary of said clerk in an amount of not less than fifty dollars ($50.00) per month nor more than one hundred fifty dollars ($150.00) per month as, in its discretion, it may deem proper.

Offer of position to Clerk of the Superior Court.

SEC. 3. The Board of County Commissioners of Perquimans County is authorized, in its discretion, to offer the position of the clerk of the recorder's court to the Clerk of the Superior Court of said county, and if the position is accepted by the Clerk of the Superior Court, he shall serve in the capacity as ex officio clerk of the recorder's court of said county.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 396 **CHAPTER 1027**

AN ACT TO FIX THE SALARIES OF THE JUDGE AND SOLICITOR AND TO PROVIDE FOR THE APPOINTMENT AND COMPENSATION OF A SUBSTITUTE JUDGE OF THE POLICE COURT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

City of Asheville, Police Court, salary of Judge.

Annual vacation.

Deduction from salary for absence other than vacation.

SECTION 1. The salary of the Judge of the Police Court of the City of Asheville shall be forty-eight hundred dollars ($4800.00) per annum, payable in monthly installments. Said judge shall be entitled to a vacation of ten (10) days per year. Each day that the substitute judge shall perform the duties of the judge because of the latter's absence for any reason other than taking the vacation hereinbefore authorized, there shall be deducted from said judge's salary the sum of fifteen dollars ($15.00).

Salary of solicitor.

SEC. 2. The salary of the Solicitor of the Police Court of the City of Asheville shall be thirty-six hundred dollars ($3600.00) per annum, payable in monthly installments. Said solicitor shall be entitled to a vacation of ten (10) days per year. The judge of said court is authorized to appoint some attorney to perform the duties of the solicitor on any day when the solicitor for any reason fails to discharge the duties of his office. Each day that any such other attorney shall perform the duties of the solicitor because of the latter's absence for any reason other than taking the vacation hereinbefore authorized, there shall be deducted from the solicitor's salary the sum of twelve dollars ($12.00).

Annual vacation.

Appointment of attorney to act in absence of solicitor.

Deduction from salary of solicitor for absence other than vacation.

Biennial appointment of substitute judge.

SEC. 3. The City Council of the City of Asheville shall, during the month of July, 1949, and biennially thereafter, appoint a Substitute Judge of the Police Court of the City of Asheville. Such substitute judge shall hold office for a period of two years from the date of his appointment and shall have all of the powers, authorities, and shall perform the duties of the judge of said court whenever the judge shall for any reason be absent. Such substitute judge shall receive such compensation for the time actually spent by him in the performance of his duties as the City Council of the City of Asheville shall determine, not exceeding, however, the sum of fifteen dollars ($15.00) for each day he shall actually perform the duties of his office.

Term of office.

Powers and duties.

Compensation.

Compensation of incumbent substitute judge.

SEC. 3½. The City Council of the City of Asheville is hereby authorized and empowered to fix the compensation to be received by the Substitute Judge of the Police Court of the City of Asheville heretofore appointed for the time actually spent by him in the performance of his duties during the period commencing March 1, 1949, and expiring June 30, 1949, not exceeding, however, the sum of fifteen dollars ($15.00) for each day spent by him in the performance of the duties of his office. The provisions of this Section shall become effective from and after the ratification of this Act.

Compensation of attorney appointed to act in absence of solicitor.

SEC. 4. The attorney appointed by the judge under the provisions of Section 2 of this Act to perform the duties of the solicitor in the latter's absence shall receive such compensation for the time actually spent by him in the performance of his duties as the City Council of the City of Asheville shall determine, not exceeding, however, the sum of twelve dollars ($12.00) for each day he shall be so appointed and shall actually perform the duties of the solicitor.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 6. This Act shall be in full force and effect from and after July 1, 1949, except that the provisions of Section 3½ shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 416 CHAPTER 1028

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In Wilson County the fees which may be charged by the register of deeds shall be as hereinafter set out: *Provided*, that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county.

Wilson County, Register of Deeds, fee for recording chattel mortgage, etc.

Recording chattel mortgages, agricultural lien and chattel mortgages.....$ .80

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 275 CHAPTER 1029

AN ACT TO AMEND CHAPTER 62 GENERAL STATUTES OF NORTH CAROLINA OF 1943 WITH RESPECT TO THE AUTHORITY AND JURISDICTION OF THE UTILITIES COMMISSION TO REGULATE UTILITY CROSSINGS AND TO REQUIRE ADEQUATE SERVICES BY UTILITIES: TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT ATTORNEY GENERAL TO BE ASSIGNED TO THE UTILITIES COMMISSION: TO REQUIRE THE UTILITIES COMMISSION AND THE STATE BOARD OF ASSESSMENT TO COORDINATE FACILITIES FOR RATE MAKING AND TAXATION PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 62-54, Chapter 62, General Statutes of North Carolina of 1943, be repealed and reenacted to read as follows:

G. S. Ch. 62, relating to Utilities Commission, amended.

"SECTION 62-54. To regulate crossings of telephone, telegraph, electric power lines and crossings of rights of way of railroads and other utilities by another utility. The Utilities Commission upon its own motion or upon petition of any utility operating in this State and subject to regulation by the Utilities Commission under the provisions of this Chapter or upon petition of the North Carolina Rural Electrification Authority on behalf of any electric membership corporation organized under Chapter

G. S. 62-54, to regulate crossings of telephone, etc., lines and rights of ways of one utility by another, reenacted.

291 of the Public Laws of 1935, as amended, or church or other place of public worship shall have the power and authority, after notice and hearing, to order the lines and right of way of any utility, railroad or electric membership corporation or church or other place of public worship to be crossed by any other utility or electric membership corporation, or church or other place of public worship. The commission, in all such cases, may require any telephone, telegraph or electric power lines making such crossings to be constructed and maintained in a safe manner and in accord with accepted and approved standards of safety so that the wires of one line will not fall upon the other or that the wires of any telephone, telegraph or electric power lines shall not fall upon the track and right of way of any railroad, and to prescribe the manner in which such construction shall be done. The commission shall also have the power and authority to discontinue and prohibit such crossings where they are unnecessary and can reasonably be avoided and to order changes in existing crossings when deemed necessary. In all cases in which the commission orders such crossings to be made or changed and when the parties affected cannot agree upon the cost of the construction of such crossings or the damages to be paid to one of the parties for the privilege of crossing the lines of such party, it shall be the duty of the commission to apportion the cost of such construction and to fix the damage if any to be paid and to apportion the damages, if any, among the parties in such manner as may be just and equitable. Nothing in this Section shall be construed to limit the right and power of the Utilities Commission in all cases in which it shall determine that any crossing of the lines of one utility over the lines of another has been rendered dangerous by the presence of high tension wire or wires of any electric power or light company to require the utility owning such high tension wire or wires to pay the entire cost of constructing and maintaining such crossing in a safe manner. This Section shall not be construed to limit the right of eminent domain conferred upon railroads, utilities, electric membership corporations, churches and other places of public worship by the laws of this State or to limit the right and duty conferred by law with respect to crossing of railroads and highways or railroads crossing railroads, but the duty imposed and the remedy given by this Section shall be in addition to other duties and remedies now prescribed by law. Any party shall have the right of appeal from any final order or decision or determination of the commission as provided by law for appeals from orders or decisions or final determinations of the Utilities Commission."

Regulation of construction and maintenance of crossings.

Authority of commission to discontinue, prohibit and change crossings.

Apportionment of cost and damages arising from crossings.

Construction of section.

Right of appeal from final order or decision of commission.

SEC. 2. That Section 62-74, General Statutes of North Carolina of 1943, be repealed and reenacted to read as follows:

"SECTION 62-74. Compelling efficient service, extension of services and facilities, additions and improvements. Whenever the commission, after reasonable notice and a hearing had upon its own motion or upon complaint, finds that the service of any public utility is inadequate, insufficient or unreasonably discriminatory, or that persons are not served who may reasonably be served, or that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public utility, or of any two or more public utilities ought reasonably to be made or that it is reasonable and proper that new structures should be erected to promote the security or convenience or safety of its patrons, employees and the public or to do any other act necessary to secure reasonably adequate service or facilities and to reasonably and adequately serve the public convenience and necessity, the commission shall enter and serve an order directing that such additions, extensions, repairs, improvements, or additional services or changes shall be made or effected within a reasonable time prescribed in the order; and if such order is directed to two or more public utilities, the utilities so designated shall be given such reasonable time as the commission may grant within which to agree upon the portion or division of the cost of such additions, extensions, repairs, improvements or changes which each shall bear. If at the expiration of the time limited in the order of the commission, the utility or utilities named in the order shall fail to file with the commission a statement that an agreement has been made for a division or apportionment of the cost or expense, the commission shall have the authority, after further hearing in the same proceedings to make an order fixing the portion of such cost or expense to be borne by each public utility affected and the manner in which the same shall be paid or secured."

G. S. 62-74, compelling efficient service, extension of services and facilities, additions and improvements, reenacted.

Apportionment of cost of additions, extensions, etc., among two or more utilities.

SEC. 3. That Article 1, Chapter 62, General Statutes of North Carolina of 1943 be amended by adding the following:

"SECTION 62-10.1. Appointment of Assistant Attorney General assigned to Utilities Commission. The Attorney General shall appoint an additional Assistant Attorney General who shall be assigned to the Utilities Commission and shall be under the direction of the Attorney General and perform such legal services as may be necessary in connection with the duties of said commission, but the Attorney General may require this assistant to perform such other legal duties as may be determined by him. The Director of the Budget is authorized to transfer to the Department of Justice, Attorney General's division, any appropriations made to the Utilities Commission for payment of legal services, to be used for the payment of the salary of such Assistant Attorney General, whose salary shall be fixed as provided by law.

G. S. 62-10.1, Appointment of Assistant Attorney General assigned to Utilities Commission, enacted.

G. S. 62-10.2, Utilities Commission and State Board of Assessment to coordinate facilities and personnel, enacted.

"SECTION 62-10.2. Utilities Commission and State Board of Assessment to coordinate facilities and personnel for mutual assistance for rate making and taxation purposes. The Utilities Commission, at the request of the State Board of Assessment, shall make available to the State Board of Assessment the services of such of the personnel of the Utilities Commission as may be desired and required for the purpose of furnishing to the State Board of Assessment advice and information as to the value of properties of public utilities, the valuations of which for ad valorem taxation are required by law to be determined by the State Board of Assessment. It shall be the duty of the Utilities Commission and the State Board of Assessment, with regard to the assessment and valuation of properties of public utilities doing business in North Carolina, to coordinate the activities of said departments so that each of said boards shall receive the benefit of the exchange of information gathered by them with respect to the valuations of public utilities property for rate making and taxation purposes, and the facilities of each of said State agencies shall be made fully available to both of them."

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 317 CHAPTER 1030

AN ACT TO CANCEL AND TERMINATE CERTAIN LEASES OF OYSTER BEDS IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Brunswick County, cancellation of leases of oyster beds, etc.

SECTION 1. The time for filing protest or objection to leases of oyster grounds or gardens in the waters or sounds along the shores of Brunswick County heretofore made or entered into with various persons by the commissioner of commercial fisheries shall be two years from the time the said leases were granted and no more oyster gardens shall hereafter be leased in Brunswick County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 319 CHAPTER 1031

AN ACT TO PROHIBIT THE SETTING OF POUND NETS IN PAMLICO RIVER WEST OF RAGGED POINT.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to set pound nets in Pamlico River at any time during the year, between the Norfolk and Southern Railroad bridge at Washington and a line drawn across said river from Mauls Point to Ragged Point. Anyone violating the provisions of this Act shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court, and all nets set in violation hereof shall be seized and confiscated by the Department of Conservation and Development.

Setting of pound nets in certain area of Pamlico River prohibited.

Violations made misdemeanor.

Confiscation of nets.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall become effective six months after ratification.

Effective date.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 606 CHAPTER 1032

AN ACT RELATIVE TO THE RESTORATION OF MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 20-231 of the General Statutes, 1947 Cumulative Supplement, is hereby amended by adding a new paragraph to said Section to read as follows:

G. S. 20-231, amended as to restoration or reissuance of operators' or chauffeurs' licenses.

"Whenever the motor vehicle operator's or chauffeur's license of any person has been suspended, cancelled or revoked under the provisions of Section 20-16 or 20-17, and the period of such suspension, cancellation or revocation shall have expired, and such person shall have met the requirements of this Article if required to furnish proof of financial responsibility as a condition precedent to the right to have such license restored or reissued, such license shall be immediately restored or reissued to such person without a re-examination of such person if such person would not have been required to be re-examined at the time of the application for the restoration or reissuance of the license, if the offense for which the license was suspended, cancelled or revoked had not been committed; *provided, however,* if such person has not been re-examined since July 1, 1947, any license issued to such person shall expire at the same time as

License restored or reissued without re-examination.

licenses issued to persons whose last names begin with the same letter as such person's, as provided in House Bill 459 ratified by the 1949 General Assembly.

G. S. 20-16, authority of department to suspend license, amended.

SEC. 2. Subsection (b) of Section 20-16 is hereby amended by inserting between the words "may" and "require", in line 16 of said Subsection, the following:

", except as provided in Section 20-231,".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 792 CHAPTER 1033

AN ACT TO AMEND CHAPTER 115 OF THE GENERAL STATUTES AS TO THE PUBLIC SCHOOL LAWS.

The General Assembly of North Carolina do enact:

G. S. 115-302, amended as to curriculum standards of private schools instructing children of compulsory school age.

SECTION 1. Amend G. S. 115-302 and the second unnumbered paragraph of said Section by adding after the phrase "attendance of such children" in the fourth line of said paragraph the following: "and maintain such minimum curriculum standards".

G. S. 115-204, amended as to elections in special school taxing districts.

Amend G. S. 115-204 by striking out the words at the beginning of said Section as follows: "If a majority of the qualified electors in the special school taxing district" and substituting therefor the following: "If a majority of the qualified electors voting in the special school taxing district".

G. S. 115-209, amended as to election on school supplement taxes.

Amend G. S. 115-209 by strikng out the first part of said Section as follows: "In the event that a majority of the qualified voters at said election shall vote" and substituting therefor the following: "In the event that a majority of qualified voters voting at said election shall vote".

G. S. 115-65, amended as to election on special tax for establishment of kindergartens.

Amend G. S. 115-65 and the third paragraph thereof by striking out the words "If a majority of the qualified voters shall vote" and by substituting therefor the following: "If a majority of the qualified voters voting on such proposition shall vote".

Ch. 818, Session Laws, 1947, amended.

Amend Chapter 818 of the Session Laws of 1947 by adding a new Section to read as follows:

G. S. 115-31.19, use of public school funds for special education program, enacted.

"G. S. 115-31.19. Board authorized to use funds for program. The State Board of Education is authorized to provide from funds available for public schools for a program of Special

Education as provided for in this Article in accordance with such rules and regulations as the board may prescribe."

G. S. 115-371, age requirement and time of enrollment, amended.

Amend G. S. 115-371 by adding at the end of said Section the following: "The principal of any public school shall have the authority to require the parents of any child presented for admission for the first time to such school to furnish a certified copy of the birth certificate of such child which shall be furnished upon request by the register of deeds of the county having on file the record of the birth of such child without charge or other satisfactory evidence of date of birth.

G. S. 115-368, amended as to cashing of vouchers and payment of sums due on death of teachers and other school employees.

Amend G. S. 115-368 by adding at the end of said Section the following: "In the event of the death of any superintendent, teacher or principal or other school employee before cashing any voucher which has been issued for services rendered or to whom a payment is due for services rendered in any amount not in excess of five hundred dollars ($500.00), when there is no administration upon the estate of such person, such voucher may be cashed by the Clerk of the Superior Court of the county in which such deceased person resided, or a voucher due for such services may be made payable to such clerk, who will be authorized to pay out such sums in the following manner: 1. For satisfaction of widow's year's allowance, if such is claimed. 2. For funeral expenses and medical and doctors' bills for the last illness of the deceased, and any taxes due the State or local government and the balance, if any, as provided by law for the distribution of decedent's estates.

Disposition of proceeds.

G. S. Ch. 115, amended to conform to requirements of Art. 7, Sec. 7, N. C. Constitution with respect to elections on bond issues, etc.

SEC. 2. That wherever in Chapter 115, General Statutes, or in any other statute, general, public or local, requirement is made that the levy of a tax or the issuance of bonds or the change of any boundary of school taxing districts is made to depend upon the vote of the majority of the qualified voters or a majority of the registered voters or any similar phrase, that said law shall be and hereby is amended to require a majority of the qualified voters voting at such election on such propositions, the purpose hereof being to make all of said laws correspond to requirements of Article 7, Section 7, of the Constitution of North Carolina, as amended.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 1129 **CHAPTER 1034**

AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR THE ISSUANCE OF BONDS BY THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY TO FINANCE THE BUILDING AND EQUIPPING OF PUBLIC LIBRARY BUILDINGS.

The General Assembly of North Carolina do enact:

Mecklenburg County and City of Charlotte, special election on bond issue for public library buildings.

SECTION 1. The Governing Body of the City of Charlotte and the Board of County Commissioners of Mecklenburg County may, by majority vote of each body after thirty days' notice at the courthouse door and publication in one or more newspapers published in the City of Charlotte, order a special election at such time as said governing body may fix to determine the will of the people of said city and county as to whether the governing body of said city shall issue the city's bonds in a sum not less than five hundred thousand dollars ($500,000.00) and not more than one million dollars ($1,000,000.00) and to provide for the payment of the principal and interest thereon and as to whether the said board of county commissioners shall issue the county's bonds in a like sum of not less than five hundred thousand dollars ($500,000.00) and not more than one million dollars ($1,000,000.00) and to provide for the payment of the principal and interest thereon for the purpose of erecting and equipping public library buildings for said city and county and acquiring such real and personal property as may be useful or necessary for such purposes.

Supervision of election.

Ballot boxes.

Form of ballot.

SEC. 2. The said special election, if called, shall be held under the control and supervision of the Mecklenburg County Board of Elections and at said special election, said election board shall cause to be placed at each voting precinct in the City of Charlotte and Mecklenburg County a ballot box marked "Erecting and Equipping Public Library Buildings." All duly qualified electors of the City of Charlotte and Mecklenburg County may vote in said special election. Each of said voters in the City of Charlotte, when he or she comes to the polling place to vote, shall be supplied by the election officials with a ballot on which the form of the question shall be in substantially the words "For City and County Library Bonds" and "Against City and County Library Bonds", and each of the voters in the county outside the City of Charlotte, when he or she comes to the polling place to vote, shall be supplied by the election officials with a ballot on which the form of the question shall be in substantially the words "For County Library Bonds", and "Against County Library Bonds". In each instance said alternates shall appear separate from each other on one ballot containing opposite and to the left of each alternate squares of appropriate size, in one of which squares the voter may make a mark (X) to designate the voter's choice for or against such issuance of bonds. Such ballots shall be

printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. Printing of ballots.

SEC. 3. If a majority of the votes cast in the entire county shall approve the issuance of the bonds and also if a majority of the votes cast within the city shall approve the issuance of the bonds, then the Governing Body of the City of Charlotte shall cause bonds of the city to be issued and sold in the amount previously determined and pledge the faith and credit of the city to the payment as to both principal and interest as the same may become due, and shall thereafter annually levy and collect an ad valorem tax to pay the principal and interest on the said bonds as the same shall become due and the board of county commissioners shall cause bonds of the county to be issued and sold in the amount previously determined and pledge the faith and credit of the county to their payment as to both principal and interest as the same may become due, and shall thereafter levy annually and collect an ad valorem tax to pay the principal and interest on the said bonds as same shall become due. Except as herein otherwise provided, such special election shall be conducted in accordance with the general election laws which are in force and effect for the election of members of the General Assembly for Mecklenburg County. Issuance of bonds in event of majority vote therefor. Levy of ad valorem tax. Conduct of election.

SEC. 4. The Board of County Commissioners of Mecklenburg County and the Governing Body of the City of Charlotte shall, acting jointly and upon the voting basis pursuant to the provisions of the law governing the joint meetings of said bodies, have the direction and control of the expenditure of all funds representing the proceeds of the sales of the county and city bonds hereinbefore provided for and the approval and making of all contracts covering the purchase of any property and the erection and equipment of buildings for library purposes, which funds shall be disbursed by their respective treasuries. The title to any such property so acquired, together with the buildings and improvements thereon, shall be vested in such trustees, organizations or corporations as the joint bodies shall determine in their discretion, and no property whether now owned or hereafter acquired shall be sold, encumbered, conveyed or otherwise disposed of except by joint action and approval of the Board of County Commissioners of Mecklenburg County and the Governing Body of the City of Charlotte to be exercised in a joint meeting as hereinbefore provided. Appropriation of proceeds from sale of bonds. Approval of contracts. Title to property acquired. Joint authority of county and city.

SEC. 5. This Act shall apply to the City of Charlotte and Mecklenburg County only and shall be in full force and effect for a period of ten years from its ratification, and only one special election shall be held under the authority of this Act. Application of Act.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are specifically repealed.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 1148 **CHAPTER 1035**

AN ACT TO AMEND CHAPTER 277 OF THE PUBLIC LAWS OF 1945 PERTAINING TO GIVING SPECIAL APPROVAL TO THE COUNTY COMMISSIONERS OF BURKE COUNTY TO LEVY TAXES FOR SPECIAL PURPOSES IN EXCESS OF THE FIFTEEN CENTS LIMITATION SET OUT IN ARTICLE V, SECTION SIX OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 277, Session Laws, 1945, amended.

SECTION 1. That Chapter 277 of the Public Laws of 1945 be amended by adding thereto after Section 2 and before Section 3 a new Section, as follows:

Burke County, special tax levy for payment of expenses of quadrennial revaluation of property.

"SECTION 2½. That the Board of County Commissioners of Burke County is hereby authorized and empowered to levy a tax not to exceed ten cents (10c) upon the one hundred dollars ($100.00) valuation, over and above the fifteen cents (15c) limit set out in Article V, Section 6 of the Constitution of North Carolina, for the special purpose of meeting the expense of the quadrennial revaluation of property for taxation, including salaries, fees, and expenses of tax supervisor, list takers and appraisers."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 1155 **CHAPTER 1036**

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ACQUIRE, CONSTRUCT AND IMPROVE RECREATIONAL AND PARKING FACILITIES AND ISSUE REVENUE BONDS THEREFOR: PROVIDING FOR THE PAYMENT OF SUCH BONDS, THE OPERATION OF SUCH FACILITIES AND THE RIGHTS OF BONDHOLDERS.

The General Assembly of North Carolina do enact:

City of Charlotte, authority to construct, operate, etc., recreational facilities.

SECTION 1. The City of Charlotte is authorized to acquire, construct, improve and operate recreational facilities within and without its own territorial limits, including, but not limited to, stadia, gymnasia, auditoria, swimming pools, athletic fields, exhibition buildings and museums.

Powers of city for purposes herein.

SEC. 2. For any such purpose said city shall have power:

Acquisition and operation of facilities.

(a) To acquire by gift, purchase or the exercise of the right of eminent domain, to construct, improve, extend, operate and maintain said facilities, and any and all lands, easements, rights in lands and water rights in connection therewith;

Prescribe and collect charges for use of facilities.

Issue revenue bonds.

(b) To prescribe and collect rates, fees, tolls or charges for the use of said facilities, and, in anticipation of the collection of the revenues to be derived therefrom, to issue its revenue bonds to finance in whole or in part the cost of the acquisition, construction, improvement or extension of any one or more of such facilities;

Pledge revenues for payment of bonds.

(c) To pledge to the payment of said bonds all or any part of the revenues of one or more of said facilities and extensions thereto thereafter constructed or acquired, as well as the revenues of any such existing facilities;

Execute contracts, undertakings, etc.

(d) To execute all contracts, undertakings and instruments and do all things necessary or convenient to the exercise of the powers herein granted including the performance of its covenants or duties undertaken as security for the payment of such bonds, provided that no encumbrance, mortgage or other pledge of its physical properties is created thereby or such properties made liable to be forfeited or taken in payment of said bonds and no debt on the credit of the municipality is thereby incurred in any manner for any purpose.

Exercise of powers herein conferred.

SEC. 3. The powers hereby conferred may be exercised by resolution of the governing body of said city adopted at a regular or special meeting by a majority of the members thereof, and which shall take effect immediately and need not be laid over, published or posted. The powers hereby conferred shall be in addition and supplemental to all other powers conferred by law, and nothing in this Act shall be deemed to repeal any other such

Powers declared supplemental.

Act constitutes authority for powers conferred.

powers. This Act shall constitute complete authority for the exercise of the powers hereby conferred without regard to the provisions of any other general, special or local law, and the bonds issued hereunder shall not be subject to any limitations or restrictions contained in the laws of the State upon the incurring of debt. It shall not be necessary to obtain any approval, consent or authorization of any bureau, board, commission or other instrumentality of the State for the exercise of any of the powers conferred by this Act: *Provided, however,* all bonds issued pursuant to this Act shall be approved and sold by the Local Government Commission in the same manner as municipal bonds are approved and sold by that commission, except that said commission may, upon request of the Governing Body of the City of Charlotte, sell any bonds issued pursuant to this Act at private sale and without advertisement. All of such bonds shall be delivered by the State Treasurer in the same manner as bonds are required to be delivered in accordance with the provisions of Section 159-21 of the General Statutes of North Carolina.

Approval and sale of bonds by Local Government Commission.

Delivery of bonds by State Treasurer.

Determination of cost of facility financed hereunder.

SEC. 4. The cost of any facility financed hereunder may include all costs and estimates thereof incidental to the issuance of bonds therefor, including engineering, accounting, fiscal agency and legal fees and expenses and interest accruing on said bonds during the period of construction and for a period of six months after completion thereof.

Issuance of revenue bonds.

SEC. 5. Revenue bonds may be issued under this Act in one or more series and may bear such date or dates, mature at such time or times not exceeding thirty (30) years from their respective dates, bear interest at such rate or rates not exceeding six per centum (6%) per annum, be in such denominations and form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable at such place or places and be subject to such terms of redemption, with or without premium, as the governing body prescribes by resolution. In the absence of any provision contained in said bonds reserving the option to redeem them prior to maturity, they shall not be subject to redemption prior to maturity, but in the discretion of the governing body the option to redeem the bonds prior to maturity, with or without premium, may be reserved by reciting in the bonds the terms and conditions upon which such option may be exercised. All such bonds bearing the signature of any officer in office on the date of the signing thereof may be thereafter delivered, notwithstanding the one so signing shall have ceased to be such officer. Pending the preparation of definitive bonds, temporary or interim bonds or certificates in such form as may be prescribed by resolution of the governing body may be issued. In the absence of a contrary statement contained in any bond issued hereunder, all such bonds shall constitute negotiable instruments.

Temporary or interim bonds or certificates.

Sale of bonds.

SEC. 6. Bonds issued pursuant to this Act may be sold at public or private sale at such price or prices as may be determined by resolution of the governing body of the issuer, *provided* the interest cost to maturity of the money received for any issue of bonds shall not exceed six per centum (6%) per annum.

Covenants of resolution authorizing issuance of bonds.

SEC. 7. Any resolution or resolutions authorizing the issuance of bonds hereunder may contain covenants as security for the payment thereof, including, but not limited to, covenants relating to:

Charges for use of facilities.

(a) The rates, fees, tolls or other charges to be imposed for the use of the facilities, the revenues of which are pledged by the resolution;

Use and disposition of revenues.

(b) The use and disposition of the revenues pledged by the resolution, including the creation, maintenance, investment and disposition thereof, the setting aside of reserves, sinking funds or other funds as security therefor and the appointment of a trustee or fiscal agent for the management of any such funds;

Use, etc., of bond proceeds.

(c) The use, disposition and investment of the proceeds of such bonds;

Rights of bondholders.

(d) The rights of the holders of the bonds upon any default thereon or on any of the covenants securing the same and the procedure, if any, by which the bondholders may alter or change the rights they possess;

Limitation upon issuance of other bonds, etc.

(e) Limitations upon the issuance of other bonds or the incurring of other obligations payable from the revenues pledged by the resolution;

Limitation upon sale, lease, etc., of facilities.

(f) Limitations upon the sale, mortgage, lease or other disposition or encumbrance of the facilities, the revenues of which are pledged by the resolution;

Insurance for facilities.

(g) The insurance to be carried for the facilities, the disposition of the proceeds of such insurance and the maintenance of operating records and inspection and auditing thereof;

Payments by issuer of bonds for use of facilities.

(h) The payments, if any, to be made by the issuer of the bonds for the use of said facilities;

Proportion of revenues applicable to cost of operation and maintenance.

(i) A formula for determining the amount or proportion of revenues derived from the facilities properly applicable to the payment of the cost of operating and maintaining such facilities and defining replacements thereto which might properly be regarded as chargeable to operation and maintenance;

Management and operation of facilities.

(j) The management and operation of the facilities the revenues of which are pledged by the resolution, including for such purpose, the creation of a board or commission to be constituted and empowered as prescribed by the governing body;

Limitation upon construction, etc., of other facilities.

(k) Limitations upon the construction or acquisition by the issuer of other facilities that might compete with the facilities, the revenues of which are pledged by the resolution;

Other provisions.

(l) Any other matters, of like or different character, which in any way affect the security or protection of the bonds.

Contract with bondholders.

The provisions of this Act and of the resolution or resolutions authorizing such bonds shall constitute a contract with the holders thereof enforceable by mandamus or other appropriate suit, action or proceeding at law or in equity.

Restriction upon construction of another similar facility while bonds outstanding.

SEC. 8. Upon the issuance of bonds hereunder for the acquisition or construction of a stadium, athletic field or similar facility, having a seating capacity of 25,000 or more, no similar facility shall be constructed by the County of Mecklenburg or any municipality therein or be constructed in Mecklenburg County by the State or any public agency thereof as long as such bonds may be outstanding, unless permitted by the resolution authorizing the issuance of such bonds and then only upon the terms and subject to the limitations and conditions contained therein.

Proceedings in event of default in payment of bonds or performance of covenant.

SEC. 9. In the event of a default in the payment of principal or interest due on any bonds issued hereunder, or a default in the performance of any covenant or undertaking contained in the resolution authorizing such bonds, and if such default shall continue for a period of thirty days, the holder of any such bond may apply to any court which might then have jurisdiction, for the appointment of a receiver of the revenues pledged, and such court shall have power to appoint such receiver with authority to collect and pay out such revenues in the manner provided by the resolution or resolutions pledging them and to do any and all other things to the end that such default shall be remedied. The right to the appointment of a receiver hereunder shall not preclude the appointment of a receiver under any other applicable statute nor deny or limit the right of a bondholder to other relief by mandamus or suit at law or in equity. The resolution authorizing the bonds may prescribe terms and conditions under which any one or more bondholders may institute proceedings to remedy any default, in which event all bondholders will be bound thereby.

Liability for payment of bonds.

SEC. 10. Bonds issued hereunder shall not be payable from or constitute a charge upon any funds other than the revenues pledged to the payment thereof, nor shall the issuer be otherwise subject to any pecuniary liability thereon. No holder of any such bonds shall ever have the right to compel any exercise of the taxing power of the issuer to pay such bonds, nor to enforce payment thereof against any property of the issuer, and every bond shall contain a statement on its face to the effect that it does not constitute a debt of the issuer but is payable solely from the revenues of the facilities pledged thereto, and that the

holder has no right to compel the levy of any tax for its payment and has no charge, lien or encumbrance upon any property of the issuer.

Partial invalidity section.

SEC. 11. If any provision of this Act or the application of such provision to any person, body, undertaking or circumstance shall be held invalid, the remainder of the Act and the application of such provision to other persons, bodies, undertakings and circumstances shall not be affected thereby.

Conflicting laws repealed.

SEC. 12. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

H. B. 1195 CHAPTER 1037

AN ACT TO CREATE A REVOLVING FUND FOR COLUMBUS COUNTY FROM THE PROCEEDS OF CERTAIN PAST DUE TAX RECEIPTS.

The General Assembly of North Carolina do enact:

Columbus County, creation of revolving fund from proceeds of certain tax collections.

SECTION 1. That when taxes are paid to the Revenue and Tax Collector of Columbus County on tax receipts covering only personal property three years or more after the first day of July of the year for which the taxes were assessed, or when taxes are paid to said revenue and tax collector on tax receipts or sales certificates which include real estate, five years or more after July 1st of the year for which the taxes were assessed, the revenue and tax collector or proper accounting authority of Columbus County shall pay or distribute the proceeds of such tax collections, including penalties thereon, to a fund to be known as the revolving fund, from which fund the Board of Commissioners of Columbus County may appropriate through the budget such amounts of said fund to other funds of the county as the Board of Commissioners of Columbus County deems proper.

Appropriations from revolving fund to other county funds.

Effective date.

SEC. 2. That this Act shall be in full force and effect from and after the thirtieth day of June, 1949.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 18th day of April, 1949.

S. B. 22 **CHAPTER 1038**

AN ACT TO AMEND CHAPTER 108, ARTICLE 3 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE FOR GENERAL ASSISTANCE TO NEEDY PERSONS.

The General Assembly of North Carolina do enact:

G. S. 108-15, Division of Public Assistance, amended as to general assistance to needy persons.

SECTION 1. Section 108-15 of the General Statutes of North Carolina is hereby amended by deleting the word "and" in line 4 thereof and by adding after the word "children," in line 4 thereof: "and (c) general assistance to other needy persons."

Ch. 108, Art. 3, Division of Public Assistance, State Board of Charities and Public Welfare, amended.

SEC. 2. Article 3 of Chapter 108, General Statutes of North Carolina, is hereby further amended by adding to said Article another part which shall be designated as "Part 3. General Assistance" and which shall precede the "General Provisions" of said Article and which shall read as follows:

Part 3, General Assistance, enacted.

"Part 3. General Assistance

G. S. 108-73.1. Establishment of relief.

"108-73.1 Establishment of relief. The care and relief of all persons who are in need and who are unable to provide for themselves in a legitimate obligation of government which cannot be ignored or avoided without injustice to such persons and serious detriment to the purposes of organized society. Such care and relief is hereby declared to be a matter of State concern and necessary to promote the public health and welfare. In order to provide such care and relief at public expense, to the extent that the same may be proper, with due regard to State and county revenues and with due regard for other necessary objects of public expenditure, a State-wide system of general assistance is hereby established, to operate with due regard to the varying living conditions and the financial, physical, and other conditions of the recipient of such assistance.

G. S. 108-73.2. Acceptance of Federal grants in aid.

"108-73.2 Acceptance of Federal grants in aid. The State Board of Public Welfare is hereby authorized to accept any grants in aid for general assistance which may be made available to the State by the Federal government and the provisions of Part 3 of this Article shall be liberally construed in order that the State and its needy citizens may benefit fully from such grants in aid.

G. S. 108-73.3. General assistance defined.

"108-73.3 General Assistance Defined. General assistance as herein used is defined to be assistance granted in money or in kind to an individual for the purpose of providing him with the necessities of life including food, clothing, shelter, fuel, and other necessary living expenses but not including, directly or indirectly, any hospital or other institutional care or treatment, *Provided:* that residence in a duly licensed boarding home shall not constitute institutional care or treatment within the meaning of this Section.

"108-73.4 Eligibility. Assistance may be granted to any person who: G. S. 108-73.4. Eligibility.

(a) Is unable to earn a sufficient income and is without any resources to provide a subsistence compatible with decency and health; and

(b) Is not an inmate of any public institution at the time of receiving assistance.

"Applications for general assistance shall be made to the county superintendent of public welfare who by and with the approval of the county welfare board shall determine whether aid is to be granted and the amount thereof. Applications for general assistance.

"The amount of assistance which any eligible person may receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case, and in accordance with the rules and regulations of the State Board of Public Welfare. In so far as funds will permit, such assistance shall be sufficient when added to all other income and resources to provide such person with a reasonable subsistence compatible with decency and health, but the principle of equitable treatment shall be followed in each county as provided in the rules and regulations of the State Board of Public Welfare. Assistance may be granted to any person or for any purpose coming within the provisions of this Section and the rules and regulations of the State Board of Public Welfare not inconsistent herewith, although such person or purpose may not come within Federal requirements governing the use of Federal grants in aid for general assistance purposes. Applications for general assistance shall be handled in the manner prescribed by the rules and regulations of the said board. Determination of amount of assistance.

"108-73.5 State general assistance fund. A fund shall be created to be known as the 'State General Assistance Fund.' This fund shall be created by appropriations made by the General Assembly and such grants as may be received from the Federal government for this purpose. Such fund shall be used exclusively for assistance to needy persons found to be eligible in accordance with the provisions of Part 3 of this Article and the rules and regulations of the State Board of Public Welfare not inconsistent therewith. G. S. 108-73.5. State general assistance fund.

"The Treasurer of the State of North Carolina is hereby made ex officio treasurer of the State General Assistance Fund herein established, including therein such grants in aid for general assistance as may be received from the Federal government for administration and distribution in this State; and the said treasurer is hereby designated as the proper officer to receive grants in aid from the Federal government. The treasurer shall keep the funds in a separate account, to be known as the 'State General Assistance Fund,' and shall be responsible therefor on Ex officio treasurer of fund.

his official bond; and the said funds shall be protected by proper depository security as other State funds. The said funds shall be disbursed for the purposes of this Article on warrants drawn on the county treasurer or other designated county officials where there is no county treasurer, signed by the Superintendent of Public Welfare, countersigned by the county auditor, for both payments of grants to recipients and for administrative purposes: *Provided*, that in the event any temporary vacancy should exist in the office of county welfare superintendent, the signature of the chairman of the county welfare board together with that of the county auditor shall be sufficient for the disbursement of such funds.

Disbursements of funds.

G. S. 108-73.6. Allotment and transfer of Federal and State funds to the counties.

"108-73.6 Allotment and transfer of Federal and State funds to the counties. Allotments shall be made annually by the State Board of Allotments and Appeal, created by Section 108-33, in the manner prescribed in Sections 108-36 and 108-37: *Provided*, that no participating county shall receive from the State General Assistance Fund during any fiscal year less than ten per cent (10%) or more than fifty per cent (50%) of the total expenditures for general assistance as herein defined until such time as Federal grants in aid for general assistance are available to the State.

Limitation on allotment.

Allotment to counties.

"When Federal funds are available to North Carolina for general assistance, the State Board of Allotments and Appeal shall allot annually to each county from the State General Assistance Fund any proportion of the total amount to be expended for such purpose that the amount of Federal and State funds available will permit: *Provided* that no county shall receive from such Federal and State funds during any fiscal year more than ninety per cent (90%) of the total expenditures for general assistance.

Use of allotments.

"It is the purpose of the General Assembly that the allotments herein provided for shall be used by the counties entitled thereto solely as supplementary funds to increase the general assistance being provided, and no allotment shall be used, directly or indirectly, to replace county appropriations or expenditures.

"State and Federal funds shall be transferred to the counties as prescribed in Section 108-39 of the General Statutes of North Carolina and all provisions of that Section shall apply to general assistance funds, except that all funds so transferred shall be deposited in the county general assistance fund.

G. S. 108-73.7. Assistance not assignable.

"108-73.7 Assistance not assignable. The assistance granted under this Article shall not be transferable or assignable at law or in equity; and none of the money paid or payable under this Article shall be subject to execution, levy, attachment, garnishment, or other legal processes, or to the operation of any bankruptcy or insolvency law.

"108-73.8 Accounts and reports from county officers. The boards of county commissioners shall cause proper accounts to be kept of the receipts and disbursements under this Article, and shall make a quarterly report to the State Board of Public Welfare in detail, showing such receipts and the persons to whom disbursements have been made, and the amount thereof. Such reports may be required by the State Board of Public Welfare as often as may be deemed necessary. The accounts shall at all times be open to inspection by the State Board of Public Welfare and its authorized auditors, supervisors and deputies.

G. S. 108-73.8. Accounts and reports from county officers.

Inspection of accounts.

"108-73.9 Further powers and duties of State Board. The provisions of Section 108-28 shall apply to Part 3 of this Article. The State Board of Public Welfare is authorized and directed to make such reports as may be required by the Federal government under the Social Security Act; to keep the funds received from the Federal government in such manner and in such account, and cause the same to be disbursed as may be required by such Federal administrative authority, notwithstanding any provisions hereof; and the provisions of this Article with respect to the handling and disbursement of Federal funds, where contrary to the rules and regulations of Federal authority, shall be deemed directory only, so that such rules and regulations shall prevail; but otherwise they shall be mandatory.

G. S. 108-73.9. Further powers and duties of State Board.

"108-73.10 Participation permissive; effect of Federal grants. The general assistance program herein established shall be administered as provided for in the rules and regulations of the State Board of Public Welfare, except that no county shall be granted any allotment from the State General Assistance Fund nor shall be subject to provisions of Part 3 of this Article unless its consent be given in the manner prescribed by the rules and regulations of the State Board of Public Welfare, *Provided:* that in the event Federal general assistance grants shall be made available to the State upon condition that each county thereof participate in the general assistance program, then and in that event all of the provisions of Part 3 of this Article shall apply to and become mandatory upon every county."

G. S. 108-73.10. Participation permissive; effect of Federal grants.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 253 **CHAPTER 1039**

AN ACT TO AMEND CHAPTER 617 OF 1947 SESSION LAWS OF NORTH CAROLINA RELATING TO THE CORPORATE LIMITS OF THE CITY OF LUMBERTON.

The General Assembly of North Carolina do enact:

Ch. 617, Session Laws, 1947, amended to extend corporate limits, City of Lumberton.

SECTION 1. That Chapter 617 of 1947 Session Laws of North Carolina be and the same is hereby amended by adding the following at the end of Section 2 thereof:

Description of annexed territory.

"And also the following boundaries: Lying immediately northwest of, and contiguous to, the above described corporate limits of the City of Lumberton, and more particularly described according to a map of the same prepared by P. A. Roberts, civil engineer, dated August, 1947, entitled "Map of Part of the Property of Jennings Cotton Mills, Inc." and duly recorded in book of official maps No. 7, at page 48, Robeson County Registry, as follows; to-wit:

Beginning at a point where the North line of the Carthage Road intersects the East line of the right of way of the V. & C. S. Railroad, said point of beginning being in the line of the above described corporate limits of the City of Lumberton, and runs thence with the East line of the said V. & C. S. Railroad right of way, and in the line of the above described corporate limits of the City of Lumberton, North 23 degrees .05 minutes East 1,032 feet 4 inches to an iron stake in said line; thence North 66 degrees West 1,098 feet 4 inches to an iron stake in the center of an Old Farm Road; thence South 23 degrees 5 minutes West 1,016 feet 6 inches to an iron stake in the North line of Carthage Road, said stake being the southwest corner of Lot No. 104 as shown and designated on the map above referred to; thence with the North line of the Carthage Road South 65 degrees .03 minutes East 1,038 feet 3 inches to the beginning."

Extension of corporate limits subject to election.

SEC. 1½. Section 1 of this Act shall not become effective, and the territory described in said Section 1 shall not be included within the corporate limits of the City of Lumberton, unless the same is approved by a majority of those voting in an election thereon to be held as hereinafter provided.

Issue submitted at next general municipal election.

The Governing Body of the City of Lumberton is hereby authorized, in its discretion, to submit to the qualified voters of the City of Lumberton, at the next regular general municipal election the question as to whether or not the territory described in Section 1 shall be included in the corporate limits of the City of Lumberton. Notice of said election on said question shall be published once a week for two successive weeks in some newspaper having general circulation in the City of Lumberton. The ballot submitting said question shall be in substantially the following form:

Notice of election.

Form of ballot.

☐ For Extending the Corporate Limits of the City of Lumberton.

☐ Against Extending the Corporate Limits of the City of Lumberton.

Conduct of election.

Except as otherwise required by the terms of this Act, the election herein authorized shall be called, held and conducted, and the results canvassed and announced in accordance with the provisions of law governing regular general municipal elections in the City of Lumberton. No new or special registration of voters shall be required, and the regular municipal registration books and polling places shall be used. The period during which the registration books are open for the purposes of the next regular general municipal election shall be deemed adequate for the purposes of the election provided for in this Act, and it shall not be necessary to keep such books open for any additional period.

Effect of election results.

If a majority of those voting in said election on said question vote in favor of extending the corporate limits, then in such case, from and after thirty days after the date of said election, the territory described in Section 1 shall be excluded from the Town of North Lumberton and shall be included within the corporate limits of the City of Lumberton. If a majority of those voting in said election on said question vote against the extension of the corporate limits of the City of Lumberton, then, in such case, Section 1 of this Act shall not become effective. If an election is not held pursuant to authorization granted the Governing Body of the City of Lumberton under the foregoing provisions of this Section 1½ of this Act, and the territory described in Section 1 of this Act is brought within the corporate limits of the City of Lumberton under authority of Chapter 725 of the Session Laws of 1947 and amendments thereto, or by other legal authority, then in any such event such territory shall be excluded from the Town of North Lumberton and shall be a part of the City of Lumberton.

Annexation under Ch. 725, Session Laws, 1947.

Conflicting laws repealed.

SEC. 2. That all laws, and clauses of laws, in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 255 **CHAPTER 1040**

AN ACT TO AMEND CHAPTER 116 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO EDUCATIONAL ADVANTAGES FOR CHILDREN OF WORLD WAR VETERANS.

The General Assembly of North Carolina do enact:

G. S. Ch. 116, amended as to educational advantages for children of World War veterans.

SECTION 1. Chapter 116 of the General Statutes of North Carolina is amended by adding a new Section immediately following G. S. 116-148, to be designated as G. S. 116-148.1 to read as follows:

G. S. 116-148.1, enacted.

Free tuition, etc., at State institutions for children of disabled veterans.

"G. S. 116-148.1. All of the benefits of the provisions of G. S. 116-145, G. S. 116-146 and G. S. 116-147 shall be extended to and may be availed of by any child whose father was a resident of the State of North Carolina at the time said father entered the Armed Forces of the United States, and whose father was, prior to his death, or is at the time the benefits of this Article are sought to be availed of, suffering from one hundred per cent disability, as rated by the United States Veterans' Administration, and is drawing compensation therefor whether service connected or otherwise: *Provided* that such educational benefits to such children of such disabled veterans shall be limited to not more than fifteen (15) children in any one school year, and; *provided further*, that if more than fifteen (15) children of such one hundred per cent disabled veterans apply for the benefits of this Article in any one school year, the North Carolina Veterans' Commission shall designate the fifteen (15) children who shall receive such benefits."

Limitation on number, selection.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 334 **CHAPTER 1041**

AN ACT TO CREATE A LAW ENFORCEMENT OFFICERS' RELIEF FUND FOR THE COUNTY OF HALIFAX.

The General Assembly of North Carolina do enact:

Halifax County Law Enforcement Officers' Relief Act.

SECTION 1. This Act shall be known and may be cited as the Halifax County Law Enforcement Officers' Relief Act.

"Law enforcement officers" defined.

SEC. 2. Law enforcement officers shall be deemed to include all peace officers in Halifax County who are required by the terms of their employment to give full time to the preservation of public order, the protection of life and property, and the detection of crime, and all special officers or citizens who may be killed or injured while aiding or assisting regular peace officers or while acting as such officers.

Law Enforcement Officers' Relief Association created; membership.

SEC. 3. A Halifax County Law Enforcement Officers' Relief Association shall be formed and the membership of the association shall include all law enforcement officers who meet the requirements of this Section.

Application for membership.

Peace officers who are entitled to membership in the association shall make application on blanks to be furnished for that purpose, giving such information as may be required by said association, and shall pay an initiation fee and annual dues to be fixed by the executive board; however, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed twelve dollars ($12.00) per annum.

Initiation fee; annual dues.

Executive board of association.

SEC. 4. The affairs of the Halifax County Law Enforcement Officers' Relief Association shall be governed by an executive board consisting of the Chairman of the Board of County Commissioners of Halifax County, the Sheriff of Halifax County, the Chief of Police of Enfield, the Chief of Police of Littleton, the Chief of Police of Roanoke Rapids, the Chief of Police of Scotland Neck, and the Chief of Police of Weldon, and their successors in office, as ex officio members.

Organization of board.

At its first meeting, the said board shall organize and elect a chairman. The board shall meet in January of each year thereafter and elect a chairman, and such other meetings as may be necessary shall be held on the call of the chairman or any two members. A majority of the members of the executive board shall constitute a quorum for the transaction of business. The board shall have authority to make such rules, regulations, and provisions as may be necessary to the proper administration of this Act.

Law Enforcement Officers' Relief Fee taxed in bill of costs in criminal cases.

SEC. 5. In all criminal cases in Halifax County, North Carolina, brought in all courts wherein the defendant enters a plea of nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the

action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar ($1.00), to be known as the Law Enforcement Officers' Relief Fee, and shall be collected as other costs in criminal cases are collected, by the justice of the peace, clerk, or other officer of the court authorized to receive costs: *Provided, however,* that such officers' relief fee shall not be taxed in the costs in cases where the cost is paid by the county or in cases of conviction or plea of guilty for the violation of a city ordinance.

Payment of funds to county accountant; reports.

Such funds shall be turned over to the County Accountant of Halifax County not later than the fifth day of each month with a fully itemized report of the cases in which collected. Any justice of the peace, clerk, or officer of the court who willfully fails to make such report within such time or who knowingly fails to report any item taxed or collected, whether or not the same shall be legally taxable or collectible, shall be guilty of a misdemeanor and shall be fined or imprisoned or both within the discretion of the court.

Failure to make report made misdemeanor.

Donations and contributions to Relief Fund.

Donations and contributions to the Halifax County Law Enforcement Officers' Relief Fund may be received from any source approved by the executive board.

Use of money paid Relief Fund.

SEC. 6. The money paid into the Law Enforcement Officers' Relief Fund of Halifax County shall be used for the relief of members of the association who may be injured or rendered sick by disease contracted in the actual discharge of duty as a law enforcement officer, and for the relief of their widows, children, or dependent parents.

Application for benefits.

All persons entitled to benefits under this Section shall make application to the executive board and the executive board, after requiring a medical examination or reviewing the medical findings of a competent physician or physicians, and after investigating each such application, shall determine what benefits shall be paid: *Provided,* that not more than five hundred dollars ($500.00) can be paid to any law enforcement officer or his dependents in any calendar year, and that no action at law or suit in equity shall be maintained against the association to enforce any claim or recover any benefit: *Provided, further,* that benefits shall not be denied to a person entitled to membership in the association unless he shall have had thirty (30) days from the time of his appointment, election, summons or deputization in which to apply for membership.

Determination of benefits.

Treasurer of fund.

SEC. 7. The County Accountant of Halifax County shall be the treasurer of the fund. He shall give good and sufficient bond and the cost of the bond shall be paid from the funds of the association.

Investmnt of accumulated funds.

The accumulated funds of the association may be invested by the executive board in bonds of Halifax County, the State of North Carolina, and the United States Government.

Expenditures shall only be made upon vouchers properly signed by the chairman of the executive board and the treasurer. Expenditures.

SEC. 8. Members of the executive board shall serve without compensation. Necessary office and stationery supplies and medical advisory fees may be paid for out of the funds of the association. Expenses of executive board.

SEC. 9. The executive board shall have authority to insure the members of the Halifax County Law Enforcement Officers' Relief Fund against death or disability, or both, during the term of their employment under forms of insurance known as group or other insurance, and the premiums on such insurance shall be payable out of the funds of the association. Insurance for members of Relief fund authorized.

SEC. 10. All laws and clauses in conflict with this Act are hereby repealed, and if any Section hereof be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof, other than the part decided to be unconstitutional or invalid. Conflicting laws repealed. Partial invalidity clause.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 382 CHAPTER 1042

AN ACT TO AMEND SECTIONS 111 AND 124 OF CHAPTER 54 OF THE GENERAL STATUTES AND AUTHORIZE THE ORGANIZATION OF MUTUAL HOUSING ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 111 of Chapter 54 of the General Statutes be amended by inserting in line 5 of said Section between the word "agricultural" and the word "horticultural" the word "housing." G. S. 54-111, amended to authorize organization of mutual housing associations.

SEC. 2. That Section 124 of Chapter 54 of the General Statutes be amended by inserting in line 3 of said Section between the word "agricultural" and the word "horticultural" the word "housing." G. S. 54-124, amended as to powers of co-operative association.

SEC. 2 (a). That Section 111 of Chapter 54 of the General Statutes be amended by adding the following: "*Provided further*, that the membership of housing organizations incorporated under this Subchapter shall consist only of veterans." G. S. 54-111, amended as to membership of housing associations.

G. S. 54-117, amended as to renting by housing associations to non-members.

SEC. 2 (b). That Section 117 of Chapter 54 of the General Statutes be amended by adding the following: "*Provided,* no housing corporation or association hereafter organized under this Subchapter shall be permitted to rent to non-members for a period longer than ninety days."

Organization of low-rent veterans' housing projects.

SEC. 3. That there may be organized under the laws of this State low-rent veterans' housing projects which may be converted into projects with Federal assistance, if and when such Federal assistance becomes available; and nonprofit cooperative ownership housing corporations the permanent occupancy of the dwelling of which is restricted to members of such corporation all of whom must be veterans, or a project constructed by a nonprofit corporation organized for the purpose of construction of homes for members of the corporation all of whom shall be veterans, at prices, costs, or charges comparable to the prices, costs, or charges proposed to be charged such members. *Provided, however,* that nothing contained in this Act shall be construed as exempting any property of any such association from ad valorem taxation.

Non-profit cooperative housing corporations.

Construction of Act as to taxation of property.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 387 **CHAPTER 1043**

AN ACT CONFERRING UPON THE BOARD OF COUNTY COMMISSIONERS OF DURHAM COUNTY THE POWER AND AUTHORITY TO ADOPT ORDINANCES PROVIDING FOR THE ZONING AND REGULATION OF BUILDINGS AND OTHER STRUCTURES AND THE USE OF LAND, OTHER THAN FOR FARMING AND AGRICULTURAL OPERATIONS AND THE KEEPING OF LIVESTOCK, OUTSIDE THE CORPORATE BOUNDARIES OF INCORPORATED CITIES AND TOWNS; AUTHORIZING THE CREATION OF A PLANNING AND ZONING COMMISSION AND PROVIDING FOR PUBLIC HEARINGS; AUTHORIZING THE ESTABLISHMENT OF A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND FUNCTIONS; AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Durham County, grant of planning and zoning powers.

SECTION 1. Grant of power—For the purpose of promoting health, safety, morals or the general welfare of the community, the Board of County Commissioners of Durham County is hereby

empowered to regulate and restrict the height, number of stories and size of buildings and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes except farming or agricultural operations or the keeping of livestock. Such regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained.

Division of county into districts for purposes specified.

SEC. 2. Districts—For any and all said purposes, said board of commissioners may divide the county into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act; and within such districts said board of commissioners may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of building throughout each district; but the regulations in one district may differ from those in other districts. *Provided,* that said board of commissioners shall not have power to regulate any area within the corporate limits of any cities or incorporated towns within said county.

Purposes of Act.

SEC. 3. Purposes in view—Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings, regulating and restricting the location of trades and industries and the location of buildings designed for specific uses, and encouraging the most appropriate use of land throughout such county. Such regulations shall further be made with reasonable consideration to the expansion and development of any municipalities, cities and incorporated towns within the county so as to provide for the orderly growth and development of such municipalities and incorporated towns.

Method of procedure.

SEC. 4. Method of procedure—The board of county commissioners shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive

Public hearings.

Notice of hearing.

calendar weeks in a newspaper published in such county, or, if there be no newspaper published in the county, by posting such notice at four public places in the county, said notice to be published the first time or posted not less than fifteen (15) days prior to the date fixed for said hearing.

Change of regulation, restrictions or boundaries.

SEC. 5. Changes—Such regulation, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change signed by the owners of twenty per cent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the board of county commissioners. The provisions of the previous Section relative to public hearings and official notice shall apply equally to all changes or amendments.

Provision for existing nonconforming uses.

SEC. 6. Nonconforming use—Any regulation, restriction or amendment thereto shall make provision for the continuance of nonconforming uses in existence at the time of the adoption of such regulation or amendment; but an extension, restoration or alteration of such existing use shall be subject to regulation consistent with the purposes of this Act to the extent and subject to the limitations as provided by law.

Appointment of zoning commission; powers and duties.

SEC. 7. Zoning commission—In order to avail itself of the powers conferred by this Act, such board of county commissioners shall appoint a commission to be known as the zoning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and such board of county commissioners shall not hold its public hearings or take action until it has received a final report of such commission. The board of county commissioners may appoint as the zoning commission a county planning board or a joint planning board with any city or town established in accordance with any other existing law.

Appointment of board of adjustment.

Compensation; terms.

SEC. 8. Board of adjustment—Such board of county commissioners may provide for the appointment of a board of adjustment consisting of five members, each to be appointed for three years, and shall provide what sums, if any, shall be paid to such board of adjustment as compensation; *provided* that the board of county commissioners in the appointment of the original members of such board of adjustment or in the filling of vacancies caused by the expiration of the terms of the existing members of any such board of adjustment, may make appointments of certain members for less than three years to the end that

thereafter the terms of all members shall not expire at the same time. Such board of county commissioners may, in its discretion, appoint two alternate members to serve on such board of adjustment in the absence, for any cause, of any regular member. Such two alternate members shall be appointed for the same term or terms as regular members, and shall be appointed in the same manner as regular members and at the regular times for appointment; *provided, however*, that in the case of the first appointment of alternate members subsequent to the effective date of this Act the appointment shall be for a term which shall expire at the next time when the term of any regular member expires. Such alternate member, while attending any regular or special meeting of the board of adjustment and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

Alternate members of board of adjustment.

Such board of adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any regulation adopted pursuant to this Act. It shall also hear and decide all matters referred to it or upon which it is required to pass under any such regulation. The concurring vote of four members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

Board to hear and determine appeals from administrative officials.

Every decision of such board of adjustment shall, however, be subject to review by proceedings in the nature of certiorari. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the county. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The board of adjustment may reverse or affirm, wholly or partly, or may

Decision of board subject to review.

Procedure for appeal.

Stay of proceedings pending appeal.

Hearing of appeal.

Appellate jurisdiction of board.

modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determiantion as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such regulation, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. The board of county commissioners is hereby authorized to enter into any agreements with any city or town for the establishment of a joint board of adjustment.

Power to modify ordinances, in promotion of public welfare, etc.

Remedies for prevention of violations.

SEC. 9. Remedies—In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Act or of any ordinance or other regulation made under authority conferred thereby, the proper local authorities of the county, in addition to their remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Conflict with other laws.

SEC. 10. Conflict with other laws—Wherever the regulations made under authority of this Act require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this Act shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute or local ordinance or regulation shall govern.

Act to be construed as supplemental to existing laws, etc.

SEC. 11. Other statutes not repealed—This Act shall not have the effect of repealing or modifying or in any way affecting any general public law pertaining to the establishment, construction and maintenance of the State-wide highway system, or pertaining to school districts, the public health, to drainage districts or townships, nor shall this Act affect any existing public or private burial ground. And this Act shall not have the effect of

repealing or modifying or in any way affecting any zoning Act or planning Act, local or general, public or private, now in force, or the zoning of any incorporated city or town or any ordinance passed pursuant thereto. It shall be construed to be in enlargement of the duties, powers and authority contained in all laws authorizing the appointment and proper functioning of county planning or zoning commissions or authorizing any other zoning regulations.

Application of Act.

SEC. 12. Counties affected—This Act shall apply only to Durham County.

Severability section.

SEC. 13. Severability—If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Power of county commissioners to amend or repeal regulations, restrictions, etc.

SEC. 14. The board of county commissioners, herein referred to as the legislative body of such county, may at any time alter, amend or repeal any of the regulations, restrictions or provisions that may be adopted in accordance with the recommendations of the zoning commission *provided however*, that before any of said regulations or restrictions shall be altered, amended or repealed, notice of the same shall be given as provided in Section 4, herein.

Effective date.

SEC. 15. Time of taking effect—This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 390 **CHAPTER 1044**

AN ACT TO AMEND SECTIONS 160-141 AND 160-146 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FEES OF BUILDING INSPECTORS AND ELECTRICAL INSPECTORS TO APPLY TO THE CITY OF SALISBURY ONLY.

The General Assembly of North Carolina do enact:

G. S. 160-141, amended as to fees for inspection of electrical wiring, City of Salisbury.

SECTION 1. That Section 160-141 of the General Statutes of North Carolina be, and hereby is, amended by adding the following to said Section, and at the end thereof, to-wit: "*Provided*, that the Governing Body of the City of Salisbury shall fix the fees that shall be allowed said inspector of buildings for the work of such inspection of electrical wiring in said city and said fees shall be paid into the treasury of the City of Salisbury."

G. S. 160-146, amended as to building inspector's fees, City of Salisbury.

SEC. 2. That Section 160-146 of the General Statutes of North Carolina be, and hereby is, amended by adding the following to said Section, and at the end thereof, to-wit: "*Provided*, that the Governing Body of the City of Salisbury shall fix the building inspector's fees for the inspection of every new building, or old building altered or repaired, in said city and said fees shall be paid into the treasury of said city.

Application of Act.

SEC. 3. That this Act shall apply to the City of Salisbury only.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act, to the extent only of such conflict, be and are hereby repealed.

SEC. 5. That this Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 397 CHAPTER 1045

AN ACT TO AMEND CHAPTER 298 OF THE PUBLIC-LOCAL LAWS OF 1933 AS AMENDED BY CHAPTER 483 OF THE SESSION LAWS OF 1947 RELATING TO THE OFFICIAL COURT REPORTER FOR THE SUPERIOR COURT OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Ch. 298, Public-Local Laws, 1933, amended as to charges for transcripts by official court reporter, Buncombe County.

SECTION 1. Section 3 of Chapter 298 of the Public-Local Laws of 1933, as the same has been amended by Chapter 483 of the Session Laws of 1947, is hereby further amended by striking out therefrom the words "such transcript rate to be so fixed in no event to be more than twenty-five cents (25c) per page for the original sheet and ten cents (10c) per page for each carbon copy furnished; no page to exceed three hundred words in length." and by changing the semicolon following the word "rate" immediately preceding the words hereby stricken out to a period.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 408 **CHAPTER 1046**

AN ACT TO AMEND G. S. 162-6 IN RESPECT TO FEES OF THE SHERIFF OR OTHER OFFICERS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 162-6, as amended, is hereby further amended by adding the following provisions at the end thereof: G. S. 162-6, amended.

"The Sheriff or other officers of Nash County shall be allowed the following fees and commissions: Nash County, fees and commissions of Sheriff or other officers.

Arrest on warrant	$2.00
Arrest on capias	2.00
Subpoena	.75
Arrest and bail	2.00
Serving civil summons	2.00
Warrant of attachment, including summons	3.00
Claim and delivery, including summons	3.00
Serving summons in summary action ejectment	2.00
Posting notices	.50
All executions	2.00

2½% commission on all monies collected under execution."

SEC. 2. For all services not included in the schedule set out in Section 1 of this Act, the Sheriff or other officers of Nash County shall receive such fees and allowances as are provided for sheriffs or other officers under Section 162-6 of the General Statutes of North Carolina.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 413 CHAPTER 1047

AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Edgecombe County, fees of Register of Deeds.

SECTION 1. In Edgecombe County the fees to be charged by the register of deeds shall be as hereinafter set out: *Provided,* that when a fee is not fixed herein, such fee shall be charged as is now allowed by law in said county:

Recording chattel mortgages and/or title retaining notes	$ .50
Recording printed form of crop lien and chattel mortgage, commonly known as short form	1.00
Recording all warranty deeds minimum fee	1.50
Recording all deeds of trust and/or mortgage deeds, minimum fee	2.00
Minimum recording fee of any instrument	.50
Indexing all instruments conveying real and personal property or other recording instruments	.10

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 417 CHAPTER 1048

AN ACT TO AUTHORIZE THE TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA TO ISSUE REVENUE BONDS FOR THREE HUNDRED THOUSAND DOLLARS TO PROVIDE FOR THE ERECTION OF AN ALUMNI MEMORIAL BUILDING AT NORTH CAROLINA STATE COLLEGE, RALEIGH, NORTH CAROLINA, TO BE PAID OUT OF FUNDS OTHER THAN THE GENERAL REVENUE OF THE STATE OR OF THE COLLEGE.

The General Assembly of North Carolina do enact:

N. C. State College of Agriculture and Engineering; construction of Alumni Memorial Building.

SECTION 1. That for the purpose of erecting an Alumni Memorial Building at North Carolina State College of Agriculture and Engineering, Raleigh, N. C., the Board of Trustees of the University of North Carolina is empowered and authorized to borrow a sum of money not to exceed three hundred thousand dollars ($300,000.00). The said fund and the additional amount hereinafter provided for, when available, shall be ex-

pended by the said board of trustees, after receiving and considering the advice and recommendations of the North Carolina State College Foundation, Inc., and the General Alumni Association of the North Carolina State College of Agriculture and Engineering, who are to assist the said board of trustees in securing gifts and donations for the purpose of increasing the fund available for such expenditure, as herein required in Section 3.

Issuance of revenue bonds authorized.

SEC. 2. The Board of Trustees of the University of North Carolina is authorized and empowered to issue revenue bonds for said purpose in an amount not exceeding three hundred thousand dollars ($300,000.00), and specify the rate of interest upon same, with payment of said bonds to be made in installments over a period of years, beginning not later than five (5) years or extending more than twenty (20) years from date of issue, and to pledge the gross receipts from rental of rooms in the Alumni Memorial Building for the payment of the interest and the payment of each installment upon the principal. Said bonds may be issued at one time, or from time to time and shall be sold by the State Treasurer, after such advertisement as he shall determine.

Issuance conditioned upon stated donations.

SEC. 3. These bonds may not be issued until the sum of one hundred thousand dollars ($100,000.00) as a donation for this purpose has been raised by the alumni and friends and deposited to the account of the Treasurer of the North Carolina State College of Agriculture and Engineering or such other person as may be designated by the controller of the University of North Carolina.

Payment of bonds.

SEC. 4. That no part of the payment of the principal or interest of the bonds authorized under this Act shall be paid out of the general revenue of the North Carolina State College of Agriculture and Engineering of the University of North Carolina or of the State of North Carolina, nor shall the credit of the said Board of Trustees or the State of North Carolina be pledged directly or indirectly to the payment of said principal or interest charges.

Bonds, notes and coupons exempt from taxation.

SEC. 5. That all of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.

SEC. 6. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 418 **CHAPTER 1049**

AN ACT TO AUTHORIZE THE TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA TO ISSUE REVENUE BONDS IN THE SUM OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS TO PROVIDE FOR ENLARGEMENT OF THE STADIUM AT NORTH CAROLINA STATE COLLEGE, RALEIGH, NORTH CAROLINA, TO BE PAID OUT OF FUNDS OTHER THAN THE GENERAL REVENUE OF THE STATE OR OF THE COLLEGE.

The General Assembly of North Carolina do enact:

N. C. State College of Agriculture and Engineering; enlargement of athletic stadium.

SECTION 1. That for the purpose of enlarging and improving the athletic stadium at North Carolina State College of Agriculture and Engineering, Raleigh, North Carolina, the Board of Trustees of the University of North Carolina is empowered and authorized to borrow from the alumni of the institution, or others, a sum of money not to exceed one hundred and fifty thousand dollars ($150,000.00).

Issuance of revenue bonds authorized.

SEC. 2. The Board of Trustees of the University of North Carolina is authorized and empowered to issue bonds for said purpose not exceeding one hundred and fifty thousand dollars ($150,000.00), with payment upon the principal of said bonds to be made in installments over a period of years, beginning not later than five (5) years nor extending more than thirty (30) years from date of issue, and to pledge the gross receipts of the Athletic Department of North Carolina State College of Agriculture and Engineering, Raleigh, North Carolina, for the payment of the interest and the payment of each installment upon the principal. Said board of trustees is authorized and empowered to fix the rate of interest said bonds shall bear and the time and place for payment of interest and the installments thereon. Said bonds may be issued at one time, or from time to time, and shall be sold by the State Treasurer, after such advertisement as he shall determine.

Payment of bonds.

SEC. 3. No part of the payment of the principal or interest of the bonds authorized under this Act shall be paid out of the general revenue of the North Carolina State College of Agriculture and Engineering of the University of North Carolina or of the State of North Carolina, nor shall the credit of the said Board of Trustees or the State of North Carolina be pledged directly or indirectly to the payment of said principal or interest charges.

Bonds, notes and coupons exempt from taxation.

SEC. 4. That all of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for

income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.

SEC. 5. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 423 **CHAPTER 1050**

AN ACT TO PROVIDE FOR A PENSION FOR MRS. MARGARET NIXON TO BE PAID AS HEREIN PROVIDED.

Preamble: Services of Mrs. Margaret Nixon as public health nurse, City of Wilmington and New Hanover County.

WHEREAS, Mrs. Margaret Nixon was engaged as a public health nurse in the City of Wilmington and in the County of New Hanover from 1922 until November 30, 1945 when reasons of health compelled her resignation as a public health nurse, she then being under the employment and control of the Consolidated Board of Health of New Hanover County; and

Ineligible for pension at time of resignation.

WHEREAS, at the time of her resignation it was not considered that she was eligible for a pension under the Employees Retirement Systems of Wilmington and New Hanover County; and

Opinion that Mrs. Nixon entitled to pension.

WHEREAS, in the opinion of the Council of the City of Wilmington and the Board of Commissioners of New Hanover County Mrs. Margaret Nixon performed for many years, as hereinbefore recited, work in the interest of the public health to and until she was physically unable to continue such duties and all of which were under the supervision and direction of the aforesaid Consolidated Board of Health of New Hanover County, and the Council of the City of Wilmington and the Board of Commissioners of New Hanover County feel that she is entitled to a pension as hereinafter set forth and that it is appropriate for said municipal bodies to make appropriations in the manner hereinafter provided sufficient to cover the pension hereinafter mentioned: *Now, therefore,*

The General Assembly of North Carolina do enact:

City of Wilmington and New Hanover County, payment of pension to Mrs. Margaret Nixon authorized.

SECTION 1. That the Governing Body of the City of Wilmington and the Board of Commissioners of New Hanover County are hereby authorized, empowered and directed to pay to Mrs. Margaret Nixon for the remainder of her natural life in recognition of the years of service rendered by her as hereinbefore recited a monthly pension in the total sum of sixty dollars ($60.00), the first of said monthly installments to be paid on the first day of July, 1949 and a similar monthly installment to be paid on the first day of each succeeding month thereafter dur-

Appropriations for payment of pension.

ing the life of the said Mrs. Margaret Nixon. The Governing Body of the City of Wilmington is hereby further authorized and directed to make the necessary appropriations to cover two-thirds of the aforesaid pension and the Board of Commissioners of New Hanover County is hereby authorized and directed to make the necessary appropriations to cover one-third of the pension hereinbefore provided and to pay respectively said amounts from the General Fund of the City of Wilmington and from the General Fund of the County of New Hanover.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 17 CHAPTER 1051

AN ACT TO REFUND TO DR. R. D. JENNINGS CERTAIN "SCHEDULE B LICENSE TAX" ERRONEOUSLY PAID TO THE COMMISSIONER OF REVENUE OF THE STATE OF NORTH CAROLINA.

Preamble: Privilege tax upon practice of dentistry, etc., under Ch. 158, Public Laws, 1939.

Exemption.

WHEREAS, the General Assembly of the State of North Carolina, by Section 109 of Chapter 158 of the Public Laws of 1939 imposed a twenty-five dollar ($25.00) privilege tax upon persons engaged in the practice of dentistry and certain other professions in the State with a proviso that no professional man or woman should be required to pay a privilege tax after he or she arrived at the age of seventy-five years; and

Contention that Dr. R. D. Jennings, Banner Elk, who paid tax, eligible for exemption.

WHEREAS, it is contended by Dr. R. D. Jennings of Banner Elk, North Carolina, that he was born on the sixteenth day of February 1862, and was seventy-seven years of age on the date that the pertinent statute became effective but paid the tax imposed thereby through the year 1946-47; and

Dr. Jennings entitled to refund.

WHEREAS, such payment was made by the said Dr. Jennings because of his lack of knowledge of the proviso contained in said Act, and that he is entitled to have such tax as has been paid by him refunded, but that the Commissioner of Revenue is prohibited by statute from making all of the refund which it appears Dr. Jennings is entitled to receive: *Now, therefore,*

The General Assembly of North Carolina do enact:

Commissioner of Revenue authorized to make refund to Dr. Jennings upon determination of eligibility therefor.

SECTION 1. The Commissioner of Revenue of the State of North Carolina is authorized and directed to fully investigate the facts claimed by Dr. Jennings and if he finds that the taxpayer was over seventy-five years of age at the time of the

passage of Chapter 158 of the Public Laws of 1939, he is authorized and directed to refund to Dr. R. D. Jennings such sums as it appears that have been paid by him by virtue of said Section 109 of Chapter 158.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent that they are in conflict therewith.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 160 CHAPTER 1052

AN ACT TO ESTABLISH A JUDICIAL COUNCIL.

The General Assembly of North Carolina do enact:

Establishment of Judicial Council; membership.

SECTION 1. A Judicial Council is hereby created which shall consist of the Chief Justice of the Supreme Court or some other member of that court designated by him, two Judges of the Superior Court designated by the Chief Justice, the Attorney General, and eight additional members, two of whom shall be appointed by the Governor, one by the President of the Senate, one by the Speaker of the House of Representatives, and four by the Council of the North Carolina State Bar. All appointive members of the Judicial Council shall be selected on the basis of their interest in and competency for the study of law reform. The four members to be appointed by the Council of the North Carolina State Bar shall be active practitioners in the trial and appellate courts.

Terms of office.

SEC. 2. Members of the council shall hold office for the following terms:

1. If he designates no other member of the Supreme Court, the Chief Justice during his term of office.

2. The Attorney General during his term of office.

3. All other members for a term of two years.

Vacancy appointments.

SEC. 3. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment.

Chairman of Council.

SEC. 4. The member from the Supreme Court shall serve as chairman of the council.

Meetings.

SEC. 5. The council shall meet at least once each quarter of the calendar year, or more often at the call of the chairman.

Duties of Council.

SEC. 6. It is the duty of the Judicial Council:

Study of administration of justice.

1. To make a continuing study of the administration of justice in this State, and the methods of administration of each and all of the courts of the State, whether of record or not of record.

Receive criticisms and suggestions.

2. To receive reports of criticisms and suggestions pertaining to the administration of justice in the State.

Recommend to Legislature or courts desirable changes.

3. To recommend to the Legislature, or the courts, such changes in the law or in the organization, operation or methods of conducting the business of the courts, or with respect to any other matter pertaining to the administration of justice, as it may deem desirable.

Annual report.

Submission of recommendations to Governor.

SEC. 7. The council shall annually file a report with the Governor. The council shall submit any recommendations it may have for the improvement of the administration of justice to the Governor, who shall transmit the same to the General Assembly.

Compensation of members of Council.

SEC. 8. The members of the council shall be paid the sum of seven dollars ($7.00) per day and such necessary travel expenses and subsistence as may be incurred.

Employment of executive secretary authorized.

Stenographer or clerical assistant.

SEC. 9. The council, by and with the advice, consent and approval of the Governor and Council of State, may employ an executive secretary who shall be a licensed attorney either full-time or part-time and fix his salary in an amount not to exceed three thousand dollars ($3,000.00) per annum and also a stenographer or clerical assistant and fix her or his salary, said salaries to be paid out of the Contingency and Emergency Fund. The executive secretary shall perform such duties as the council may assign to him.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 183 CHAPTER 1053

AN ACT TO PROHIBIT THE SALE OF BEER, WINE AND ALL OTHER ALCOHOLIC BEVERAGES AND ALSO THE OPERATION OF ANY PUBLIC DANCE HALL WITHIN ONE-QUARTER MILE OF THE ROANOKE CHRISTIAN SERVICE CAMP LOCATED AT OLD PUBLIC LANDING IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Beaufort County, sale of alcoholic beverages, etc., near Roanoke Christian Service Camp prohibited.

SECTION 1. From and after the ratification of this Act, it shall be unlawful for any person, firm or corporation to operate a public dance hall or to sell or possess for the purpose of sale, beer, wine or any other alcoholic beverage within one-quarter mile in each direction of the Roanoke Christian Service Camp located at Old Public Landing three miles below Washington, North Carolina, on Pamlico River in Beaufort County.

Violations made misdemeanor.

SEC. 2. Any person, firm or corporation violating the provisions of Section 1 of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 312 CHAPTER 1054

AN ACT TO AMEND SECTION 118-6 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE APPOINTMENT OF TRUSTEES OF THE FIREMEN'S RELIEF FUND.

The General Assembly of North Carolina do enact:

G. S. 118-6, amended.

SECTION 1. G. S. 118-6 of the General Statutes, as the same appears in the 1947 Cumulative Supplement of the General Statutes, is hereby rewritten so that the same shall hereafter read as follows:

Firemen's Relief Fund, appointment of trustees.

"118-6. In each town or city complying with and deriving benefits from the provisions of this Article, there shall be appointed a local board of trustees, known as the Trustees of the Firemen's Relief Fund, to be composed of five members, two of whom shall be elected by the members of the local fire department, two elected by the mayor and board of aldermen or other

local governing body, the remaining member to be named by the Commissioner of Insurance. Their selection and term of office shall be as follows:

Selection and terms of office.

Members selected by fire department.

a. The members of the fire department shall hold an election each January to elect their representatives to above board. In January 1950, the firemen shall elect one member to serve for two years and one member to serve for one year, then each year in January thereafter, they shall elect only one member and his term of office shall be for two years.

Members selected by local governing board.

b. The mayor and board of aldermen or other local governing body shall appoint, in January 1950, two representatives to above board. One to hold office for two years and one to hold office for one year and each year in January thereafter they shall appoint only one representative and his term of office shall be for two years.

Member selected by Commr. of Revenue.

c. The Commissioner of Insurance shall appoint one representative in January each year and he shall serve for one year.

"All of the above trustees shall hold office for their elected or appointed time, or until their successors are elected or appointed, and shall serve without pay for their services. They shall immediately after election and appointment organize by electing from their members a chairman and a secretary and treasurer, which two last positions may be held by the same person. The treasurer of said board of trustees shall give a good and sufficient bond in a sum equal to the amount of moneys in his hands, to be approved by the Commissioner of Insurance, for the faithful and proper discharge of the duties of his office. If the chief of the local fire department is not named on the board of trustees as above provided, he shall be ex-officio a member, but without the privilege of voting on matters before the board."

Organization of board of trustees.

Bond of treasurer.

Chief of fire department ex-officio member.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 591 **CHAPTER 1055**

AN ACT TO AMEND SECTION 143-166 OF THE GENERAL STATUTES RELATING TO THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND AND PROVIDING FOR ADDITIONAL BENEFITS FOR CERTAIN LAW ENFORCEMENT OFFICERS AND MEMBERS.

The General Assembly of North Carolina do enact:

G. S. 143-166, Law Enforcement Officers' Benefit and Retirement Fund, amended.

SECTION 1. Amend Subsection (i) of Section 143-166 of the General Statutes of North Carolina by adding at the end of said Subsection two paragraphs, which shall read as follows:

Annual payments into fund by local units on behalf of employee members.

"The board of commissioners shall have the authority to formulate and promulgate rules and regulations under which any county, city, town or other subdivision of government in whose behalf any member performs service as a law enforcement officer, or any member, may, and is hereby authorized to, elect to pay into the fund for credit to the individual account of such member, either or both: (1) an amount which, when taken with any additional amount which may be permitted by the board to be paid on behalf of such member, shall not exceed in any year five per cent (5%) of such member's compensation; and

Accumulation of payments in individual account of member.

(2) a sum not to exceed the value of prior service of such member as determined by the Board of Commissioners; such amounts so paid shall be accumulated in the individual account of such member at such rate of interest as the board of commissioners may from time to time determine and shall, upon retirement of such member be used to provide such additional benefits as the board of commissioners shall determine on the basis of the tables and rate of interest last adopted by the board of commissioners for this purpose: *Provided, however,* that the amounts paid under this provision by any county, city, town, or other subdivision of government shall revert to said county, city, town, or other subdivision of government upon the death or withdrawal from the fund of a member for whom such amounts were paid. The sums paid by any county, city, town or other subdivision of government as additional payments are hereby declared to be for a public purpose.

Additional benefits upon retirement.

Reversion of payments to local units.

Payments declared for public purpose.

State authorized to match contributions made by members, and for value of prior services.

"It shall be the duty of the State of North Carolina to finance and contribute, for the benefit of each member employed by the State as a law enforcement officer an amount equal to the value of his prior service and the cost of matching his contribution. Such contribution or financing on the part of the State shall be on a percentage basis and shall be credited to the individual account of such member, and upon the death or withdrawal from the fund of a member such sums credited to that individual member's account shall revert to the General Fund or Highway Fund of the State of North Carolina according to the source of the original appropriation. The board of commissioners are hereby

authorized to formulate and promulgate additional rules and regulations for the administration of the amounts herein authorized to be appropriated. There is hereby appropriated from the General Fund of the State for those law enforcement officers whose salary is paid out of the general fund, and from the Highway Fund of the State for those law enforcement officers whose salary is paid out of the highway fund appropriation in such amount as may be necessary to pay the State's share of the cost of the financing of this provision for the biennium 1949-51. Such appropriation shall be made at the same time and manner as other State appropriations and in the sums and amounts as determined by the board of commissioners: *Provided,* that this provision as to the financing of a member's prior service and the cost of matching contribution on the part of the State of North Carolina shall apply only to those members who are law enforcement officers of the State of North Carolina and its departments, agencies and commissions and who would be eligible for membership in the Teachers' and State Employees' Retirement System provided by Chapter 135 of the General Statutes of North Carolina but for the fact that said officers are members of the Law Enforcement Officers' Benefit and Retirement Fund."

Appropriation for payment of contribution by State.

Participation by State limited to members who are State employees.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 698 CHAPTER 1056

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 135 OF THE GENERAL STATUTES OF NORTH CAROLINA, THE SAME BEING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT ACT.

The General Assembly of North Carolina do enact:

G. S. 135-3, amended as to membership in the Teachers and State Employees Retirement System.

SECTION 1. Amend Subsection (5) of Section 135-3 of the General Statutes of North Carolina, as the same appears in the Cumulative Supplement of 1947, by rewriting the same so that the same shall hereafter read as follows:

"(5) Any teacher or State employee whose membership is contingent on his own election and who elects not to become a member may thereafter apply for and be admitted to membership; but no such teacher or State employee shall receive prior service credit unless he elected to become a member prior to July 1, 1946."

G. S. 135-4, period of creditable service, amended.

SEC. 2. Amend Subsection (1) of Section 135-4 of the General Statutes of North Carolina by rewriting said Subsection (1) so that the same shall hereafter read as follows:

"(1) Under such rules and regulations as the board of trustees shall adopt, each member who was a teacher or State employee at any time during the five years immediately preceding the establishment of the system and who became a member prior to July 1, 1946 shall file a detailed statement of all North Carolina service as a teacher or State employee rendered by him prior to the date of establishment for which he claims credit."

G. S. 135-5, amended.

SEC. 3. Amend Section 135-5 of the General Statutes of North Carolina by adding thereto a new Subsection (9) to read as follows:

Restoration to service of certain former members.

"(9) Restoration to service of certain former members. If a former member who ceased to be a member prior to July 1, 1949 for any reason other than retirement, again becomes a member and prior to July 1, 1951 redeposits in the annuity savings fund by a single payment the amount, if any, he previously withdrew therefrom, he shall, anything in this Chapter to the contrary, be entitled to any membership service credits he had when his membership ceased, and any prior service certificate which became void at the time his membership ceased shall be restored to full force and effect: *Provided*, that, for the purpose of computing the amount of any retirement allowance which may become payable to or on account of such member under the retirement system, any amount redeposited as provided herein shall be deemed to represent contributions made by the member after July 1, 1947."

G. S. 135-4, further amended.

SEC. 4. Amend Section 135-4, Subsection (6), of the General Statutes of North Carolina by adding thereto three new sentences to read as follows:

Service credit to members of the armed forces.

"Teachers and other State employees who entered the Armed Services of the United States on or after February 17th, 1941 and who returned to the service of the State prior to July 1st, 1950 after they have been honorably discharged from such armed services shall be entitled to full credit for all prior service, and, in addition, they shall receive membership service credit for the period of service in such armed services occurring after the date of establishment. Under such rules as the board of trustees shall adopt, the employer to which each such teacher or other State employee returned shall make contributions with respect to such member in the amounts that he would have paid during such service in such armed services on the basis of his earnable compensation when such service commenced. Such contributions shall be credited to the individual account of the member in the annuity savings fund, in such manner as the board of trustees shall determine, but any such contributions so credited and any regular interest thereon shall be available to the member only

Contribution by employer.

in the form of an annuity, or benefit in lieu thereof, upon his retirement on a service, disability or special retirement allowance; and in the event of cessation of membership or death prior thereto, any such contributions so credited and regular interest thereon shall not be payable to him or on his account, but shall be transferred from the annuity savings fund to the pension accumulation fund. If any payments were made by a member on account of such service as provided by paragraph (e) of Subsection 1 of Section 135-8, the board of trustees shall refund to or reimburse such member for such payments."

G. S. 135-5, benefits, amended.

SEC. 5. Amend Subsection (6) of Section 135-5, as the same appears in the Cumulative Supplement of 1947, by adding a new sentence as follows:

Return of accumulated contributions.

"Upon receipt of proof satisfactory to the board of trustees of the death of a member in service there shall be paid to his legal representatives or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees, the amount of his accumulated contributions at the time of his death."

G. S. Ch. 135, Retirement System for Teachers and State Employees, amended.

SEC. 6. Amend Chapter 135 of the General Statutes by adding thereto a new Section to be designated as Section 135-17, which shall read as follows:

G. S. 135-17, Facility of payment, enacted.

"SEC. 135-17. Facility of payment. In the event of the death of a member or beneficiary not survived by a person designated to receive any return of accumulated contributions or balance thereof, or in the event that the board of trustees shall find that a beneficiary is unable to care for his affairs because of illness or accident, any benefit payments due may, unless claim shall have been made therefor by a duly appointed guardian, committee or other legal representative, be paid to the spouse, a child, a parent or other blood relative, or to any person deemed by the board of trustees to have incurred expense for such beneficiary or deceased member, and any such payments so made shall be a complete discharge of the liabilities of this retirement system therefor."

Membership of Cooperative Agricultural Extension Service Employees.

SEC. 7. Under such rules and regulations as the board of trustees may establish and promulgate, Cooperative Agricultural Extension Service employees may, in the discretion of the governing authority of a county, become a member of the Teachers' and State Employees' Retirement System to the extent of that part of their compensation derived from a county.

Re-employment of retired teachers.

SEC. 8. The board of trustees of the Teachers' and State Employees' Retirement System may establish and promulgate rules and regulations governing the re-employment of retired teachers and employees.

G. S. 135-15, repealed.

SEC. 9. Section 135-15 of the General Statutes is hereby repealed.

SEC. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 783 CHAPTER 1057

AN ACT TO AMEND SECTION 95-17, GENERAL STATUTES OF NORTH CAROLINA, WITH REFERENCE TO THE LIMITATIONS OF HOURS OF EMPLOYMENT AND EXCEPTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 95-17 of the General Statutes of North Carolina be, and is amended by inserting after the colon in line 25 of the second paragraph of said Section, and before the word "*Provided*" in line 26 the following: G. S. 95-17, Maximum Hour Law, amended.

Provided, also that the ten hours per day maximum shall not apply to any employee who is employed as a motor vehicle mechanic on a commission, or who is employed partly on commission and partly on wage or salary basis: Motor vehicle mechanics on a commission basis.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 800 CHAPTER 1058

AN ACT TO AMEND G. S. 106-150 RELATING TO THE REGISTRATION OF CANNED DOG FOOD AND THE PAYMENT OF THE INSPECTION TAX THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. Amend G. S. 106-150 by striking out the word "June" in the first sentence of said Section and substituting in lieu thereof the word "December." G. S. 106-150, annual registration fee for manufacturers of canned dog food, amended.

SEC. 2. Amend Section 106-150 further by adding in the end of said Section the following:

G. S. 106-150 (a), Reporting System, enacted.

"(a) 'Reporting System'. Any manufacturer, importer, jobber, firm, corporation or person who distributes canned dog food in this State may make application for a permit to report the quantity of canned dog food sold and pay the inspection tax at the rate of two (2) cents for each carton of forty-eight (48) cans as hereinbefore mentioned, as the basis of said report, in lieu of affixing inspection stamps. The Commissioner of Agriculture may, in his discretion, grant such permit. The issuance of all permits will be conditioned on the applicant's satisfying the commissioner that he has a good bookkeeping system and keeps such records as may be necessary to indicate accurately the quantity of canned dog food sold in the State and as are satisfactory to the Commissioner of Agriculture, and granting the Commissioner, or his duly authorized representative, permission to examine such records and verify the statement. The report shall be quarterly and the inspection fee shall be due and payable quarterly, on or before the tenth day of January, April, July, and October of each year, covering the quantity of canned dog food sold during the preceding quarter. The report shall be under oath and on forms furnished by the commissioner. If the report is not filed and the inspection fee paid by the tenth day following the date due or if the report be false, the Commissioner may revoke the permit, and if the inspection fee be unpaid after a fifteen day grace period, the amount shall bear a penalty of ten per cent which shall be added to the inspection fee due and shall constitute a debt and become the basis of judgment against the securities or bonds which may be required. That in order to guarantee faithful performance with the provisions of this Act each manufacturer, importer, jobber, firm, corporation or person shall, before being granted a permit to use the reporting system, deposit with the Commissioner cash in the amount of two hundred fifty dollars ($250) or securities acceptable to the Commissioner of a value of at least two hundred fifty dollars ($250) or shall post with the Commissioner a surety bond in like amount, executed by some corporate surety company authorized to do business in North Carolina. The Commissioner shall approve all such securities and bonds before acceptance.

Use of system in lieu of affixing stamps.

Conditions upon which permits granted.

Quarterly reports and payment of fees.

Revocation of permit.

Penalty on delinquent payment of inspection fee.

Deposit of cash or security as guarantee of compliance.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 812 CHAPTER 1059

AN ACT RELATING TO THE ISSUANCE OF BEER AND WINE LICENSES IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Section 18-77 of the General Statutes of North Carolina be, and the same is hereby amended by adding a new paragraph at the end thereof to read as follows:

G. S. 18-77, amended as to issuance of beer and wine licenses, Bertie County.

The Board of County Commissioners of Bertie County shall not be required to issue any beer or wine licenses, or renewals of any such licenses, as provided in this Article unless the application for such licenses or renewals thereof shall be accompanied by a petition signed by at least twenty reputable citizens who reside within the immediate proximity of the premises for which the application is made stating that the applicant is a person of good moral character.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 834 CHAPTER 1060

AN ACT TO AMEND THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COMMITMENT TO A PRIVATE HOSPITAL FOR THE MENTALLY DISORDERED.

The General Assembly of North Carolina do enact:

SECTION 1. Amend the General Statutes of North Carolina 122-79 by striking out the first sentence and substituting therefor the sentence: "When it is deemed advisable that any person, a citizen of North Carolina, or a citizen of another state or country temporarily sojourning in North Carolina, should be detained in the private hospital to which the person is to be committed within the State, two persons, one of whom must be a physician and who shall not be connected with this private hospital, shall make affidavit before a Clerk of the Superior Court of this State or a notary public that they have carefully examined the alleged mentally disordered person; that they believe him to be a fit subject for commitment to a hospital for the mentally disordered, and that his detention and treatment will be for his benefit."

G. S. 122-79, amended as to examination and commitment of person to private hospital for the insane.

Amend further by striking out the words "his warrant" in the third sentence (line 27) and substituting therefor the words "this order."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 1089 CHAPTER 1061

AN ACT TO VEST THE TITLE TO THE GIFTS AND ARTICLES, PRESENTED TO THE STATE OF NORTH CAROLINA BY THE FRENCH REPUBLIC AND THE FRENCH PEOPLE, AND TO PROVIDE FOR THE SAFE-KEEPING AND PROPER DISPLAY OF SAID ARTICLES AND GIFTS FOR THE EDUCATION AND ENJOYMENT OF ALL THE PEOPLE OF SAID STATE.

Preamble: Friendship gifts from Veteran's Organizations of the French Nation.

WHEREAS, the Veterans' Organizations of the French Nation collected gifts from all over the French Republic and sent them to all the States of the United States of America in gratitude for the friendship between the French Republic and the United States of America; and

Allotment of gifts to State of North Carolina.

WHEREAS, said gifts and articles, which were allotted to the State of North Carolina, were received in Raleigh on the 8th day of February, 1949, with appropriate parade and ceremony and acceptance by the Governor of North Carolina on behalf of the State; and

Purpose and intent of French people.

WHEREAS, it was the purpose and intent of the French people that said gifts and articles be owned and held in perpetuity by the State of North Carolina, or some agency of the State, for the use and benefit of all the people of the State; and

Intent of State.

WHEREAS, it is the intent of the State to own and possess the said articles and gifts for the use and purpose for which they were given: *Now, therefore,*

The General Assembly of North Carolina do enact:

Title to gifts vested in State.

SECTION 1. The title to the gifts and articles which were sent to the State of North Carolina by the French Republic and the French people shall vest in the State of North Carolina in perpetuity and shall be placed permanently in the control, custody and care of the State Department of Archives and History. The State Department of Archives and History shall make and keep a complete record and inventory catalog of all the said gifts.

Control and custody thereof.

Authority to lend gifts.

SEC. 2. The State Department of Archives and History is hereby authorized and empowered, in its discretion, to lend the said gifts to any public institution, museum, library, school, college, association or society, who or which, in the opinion of the State Department of Archives and History is able and equipped to properly take care of, safely keep, and to properly display, for the enjoyment, benefit and education of the people of the State, the said gifts.

Exhibition of gifts.

SEC. 3. The State Department of Archives and History shall have the power to transport said gifts over the State of North Carolina for the purpose of exhibiting said gifts to the people of the State, and to this end may own and possess such tractor, trailer, cars or other equipment as may be necessary for that purpose.

Recall of gifts loaned.

SEC. 4. Any of said gifts which the State Department of Archives and History may lend to any of the said public institutions, museums, libraries, schools, colleges, associations or societies may be recalled by the State Department of Archives and History at any time and for any cause or reason.

Construction of Act.

SEC. 5. Nothing in this Act shall apply to the railroad box car which was officially given by the French people to Grand Voiture, Societe 40 & 8, North Carolina.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 1128 **CHAPTER 1062**

AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN AND OTHERS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Mecklenburg County, license required of professional bondsmen.

SECTION 1. It shall be unlawful for any person, firm, or corporation to engage in the business of a professional bondsman, or surety, without first paying an annual license fee to the City of Charlotte and County of Mecklenburg in the sum of fifty dollars ($50.00) each.

Statement of financial condition filed with Clerk of Superior Court.

SEC. 2. Every person, firm, or corporation licensed as a professional bondsman, or surety, shall, before engaging in such business, file a schedule of financial condition with the Clerk of the Superior Court, and the financial responsibility of the

obligor named in all bail or other bonds executed by said professional bondsman shall be approved by said clerk. When, in the opinion of said Clerk of the Superior Court, the financial condition of any professional bondsman is inadequate to justify acceptance of further bonds, he shall demand from such professional bondsman a deposit of security in such value as to secure the State in the collection of any forfeited penalty.

Authority of Clerk to require deposit of additional security.

"Professional bondsman" defined.

SEC. 3. The term professional bondsman, as herein used, shall be construed to include any individual, group of individuals, or corporation, who shall, for pay or profit, execute any bond for the release of any person or property from custody of law, or for the guarantee of any penalty contained in any bond, or recognizance.

Solicitation of business through attorneys, court officials or other persons prohibited.

SEC. 4. It shall be unlawful for any professional bondsman to solicit business by or through any attorney at law, court official, or law enforcement officer, or to pay to, give, or lend to any said person or persons money or other things of value as pay or gratuity for such service.

Solicitation of business in governmental buildings prohibited.

SEC. 5. It shall be unlawful for any professional bondsman to solicit business, directly or through another, in any jail, courthouse, courtroom, or other municipal or governmental building.

Recommendation of attorney to prisoners prohibited, etc.

SEC. 6. It shall be unlawful for any professional bondsman, court official, or law enforcement officer to recommend to any person incarcerated or bailed, any particular attorney at law, or firm practicing law, or to advise such person with respect to the law or court procedure.

Person ineligible to become bondsman.

SEC. 7. No sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or the wife of any sheriff, deputy sheriff, policemen, constable, jailer, or assistant jailer, shall in any case become bail for any prisoner, for money or property. Nor shall any sheriff, deputy sheriff, policeman, constable, jailer, or assistant jailer, or their wives, become bail as agents for any professional bondsman. Nor shall they recommend any particular professional bondsman, or attorney at law.

Acceptance of gratuity from professional bondsman by attorney, etc., prohibited.

SEC. 8. It shall be unlawful for any attorney, or court official, or law enforcement officer to accept any pay or gratuity from any professional bondsman for any service rendered, directly or indirectly, to said bondsman, except fees fixed by law or as compensation for professional services rendered in the customary practice of the legal profession.

Regulation of charges as compensation for services by professional bondsman.

SEC. 9. It shall be unlawful for any professional bondsman to charge or receive as compensation for his services to any person a sum in excess of ten per cent (10%) of the penalty of any bond. A minimum charge of five dollars ($5.00) may be made. No person bailed shall be surrendered as provided by law during the pendency of his cause unless the professional bondsman shall return to such person one-fourth of the charge made

and received by him for his service: *Provided, however,* no refund shall be required of said professional bondsman if such person, during the pendency of his cause, shall fail to make his appearance as required by his recognizance.

Violations of Act made misdemeanor.

SEC. 10. Any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court, and upon conviction the court shall suspend or revoke the license of such professional bondsman for a period of two years.

Provision for revocation of license of professional bondsmen.

SEC. 11. Any Judge of the Superior Court holding courts in Mecklenburg County or the judge of the city court or the judge of the county court or the judge of the domestic relations court shall have the power and authority to inquire into the violation of any of the provisions of this Act and to revoke the license of any professional bondsman upon satisfactory proof of such violation, after said bondsman has been given an opportunity to be heard in his defense. Whenever any license has been revoked, it shall be unlawful to reissue said license to any person, firm, or corporation for a term of two years after the revocation of same. The revocation of either municipal or county license shall automatically revoke any other license issued to said bondsman. Any professional bondsman whose license has been revoked by a judge of the city court, or a judge of the county court or a judge of the domestic relations court shall have the right to appeal said revocation to the Superior Court under such procedure as prevails in any of said courts for the perfection of appeals to the Superior Court. Each professional bondsman, or surety, shall file on or before the fifth day of each month a report of all bonds written during the previous month, including in the report the name of the person, offense charged, amount of bond and amount of compensation received. The professional bondsman, or surety, shall be required to swear to the report, and the same shall be filed in the office of the Clerk of the Superior Court of Mecklenburg County for record purposes.

Effect of revocation.

Right of appeal from revocation.

Report required of bondsman.

Surety company licensed by the State, excepted.

SEC. 12. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina.

Application of Act.

SEC. 13. This Act shall apply to Mecklenburg County only.

Conflicting laws repealed.

SEC. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 1153 CHAPTER 1063

AN ACT TO AMEND CHAPTER 407 OF THE SESSION LAWS OF 1947 RELATING TO THE SHERIFF OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Ch. 407, Session Laws, 1947. amended to increase salary of Sheriff, Caswell County.

SECTION 1. Section 1 of Chapter 407 of the Session Laws of 1947 is hereby amended by striking out the words and figures "one hundred seventy-five dollars ($175.00)" in line two thereof and inserting in lieu thereof the words and figures "two hundred dollars ($200.00)."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 1174 CHAPTER 1064

AN ACT TO PROMOTE TOURIST TRADE IN THE SMOKY MOUNTAIN AREA OF WESTERN NORTH CAROLINA, TO PERPETUATE CHEROKEE INDIAN AND PIONEER HISTORY, TRADITIONS AND FOLKLORE, TO PROMOTE THE DEVELOPMENT OF THE SMOKY MOUNTAIN AREA, AND TO APPROPRIATE THIRTY-FIVE THOUSAND DOLLARS ($35,000.00) IN AID OF SUCH OBJECTIVES.

Preamble: Scenic attractions of Smoky Mountain area of Western North Carolina.

WHEREAS, the Smoky Mountain area of Western North Carolina affords scenic attractions unsurpassed in the Eastern part of the United States and within easy access to a large segment of the population of the United States; and

Historical value of area.

WHEREAS, the area is rich in dramatic and historical Cherokee Indian and pioneer incidents and data, from the time of De Soto's visit to the present, which should be perpetuated and preserved through continuous and organized effort; and

Advantages afforded by annual dramatic production at Cherokee Indian Reservation.

WHEREAS, the Western North Carolina Associated Communities of the Counties of Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Swain and Transylvania has determined that an annual dramatic production to be held at Cherokee Indian Reservation based on Cherokee Indian and pioneer historical events would preserve and publicize the history of the area, attract larger numbers of visitors to the area for longer visits, afford a valuable medium of advertising the commercial, industrial and resort advantages

of the Western part of the State and be of great benefit to the people of the area and to the Eastern Band of Cherokees, and to that end has sponsored the creation of the Cherokee Historical Association, Incorporated, a nonprofit corporation chartered under the laws of the State of North Carolina; and

Creation of Cherokee Historical Association, Incorporated.

WHEREAS, the Cherokee Historical Association, Incorporated, is receiving the active cooperation and support of the Western North Carolina Associated Communities, the Tribal Council of the Eastern Band of Cherokees, the Cherokee Indian Agency, and individual Indian traders, businessmen and employees of the Cherokee Indian Agency and others in developing plans for an annual historical drama production, all of whom have pledged or contributed in money or money's worth the aggregate of approximately thirty-five thousand dollars ($35,000.00) toward the acquisition and development of an amphitheatre and access roads thereto and the development of a suitable production in furtherance of such project; and

Cooperation with Association in development of plans for dramatic production.

Pledge and contribution of funds therefor.

WHEREAS, the estimated cost of providing the necessary facilities and of launching the series of annual historical dramas is approximately seventy thousand dollars ($70,000.00): *Now, therefore,*

Estimated cost of productions.

The General Assembly of North Carolina do enact:

SECTION 1. In order to promote the objective of the Cherokee Historical Association, Incorporated, as set forth in the preamble and to aid in the promotion of the tourist trade in the western counties of the State and in advertising the commercial, industrial and resort advantages of that area by matching the contributions of organizations and individuals in the area, there is hereby appropriated to the Cherokee Historical Association, Incorporated, the sum of thirty-five thousand dollars ($35,000.00) out of current surplus of the General Fund, to be used by said corporation in promoting and developing an annual dramatic production based upon Cherokee Indian and mountain pioneer historical material.

Appropriation to Cherokee Historical Association, Incorporated, for purposes specified.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 1198 CHAPTER 1065

AN ACT TO AMEND G. S. 143-180 AS TO THE GOVERNOR'S COMMITTEE ON INTERSTATE COOPERATION.

The General Assembly of North Carolina do enact:

G. S. 143-180, Governor's Committee on Interstate Co-operation, amended.

SECTION 1. Amend G. S. 143-180 by adding at the end of said Section the following:

"The Governor may, however, in his discretion, appoint one additional member of the said commission who is not an administrative official.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 1240 CHAPTER 1066

AN ACT TO AMEND CHAPTER 1010 OF THE SESSION LAWS OF 1947, RELATING TO POWERS AND DUTIES OF THE NORTH CAROLINA ARMORY COMMISSION.

The General Assembly of North Carolina do enact:

Ch. 1010, Session Laws, 1947, amended as to conveyances of property to State by local units for armories.

SECTION 1. Section 7 of Chapter 1010 of the Session Laws of 1947 is hereby amended by striking out the words "hereafter acquired" in lines 4 and 5 thereof immediately following the word "any" in line 4 and immediately preceding the word "real" in line 5.

Prior conveyances validated.

SEC. 2. All conveyances of real property heretofore made by any municipality or county of the State of North Carolina to the State of North Carolina for armory purposes are hereby validated and ratified in every respect.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 1294 **CHAPTER 1067**

AN ACT TO PROVIDE FOR AN ELECTION FOR MEMBERS OF THE BOARD OF EDUCATION OF CASWELL COUNTY AND TO PROVIDE THE FUTURE METHOD FOR NOMINATING AND ELECTING THE MEMBERS OF SAID BOARD.

The General Assembly of North Carolina do enact:

Caswell County, terms of office of incumbent members of Board of Education.

Provision for election of County Superintendent.

SECTION 1. The terms of office of the members of the Board of Education of Caswell County appointed by House Bill 791, ratified at the present Session of the General Assembly, shall expire on June 1, 1949. Said board of education shall not appoint a County Superintendent of Education for Caswell County but said superintendent shall be appointed by the board elected at the special election hereinafter provided for.

Creation of districts for nomination and election of members of Board of Education.

SEC. 2. For the purpose of nominating and electing members of the County Board of Education of Caswell County, said county is hereby divided into the following five districts:

District number 1 to consist of Yanceyville Township.

District number 2 to consist of Milton and Dan River Townships.

District number 3 to consist of Pelham and Locust Hill Townships.

District number 4 to consist of Stony Creek and Anderson Townships.

District number 5 to consist of Hightowers and Leasburg Townships.

Date of special election.

SEC. 3. On May 21, 1949 there shall be held a special nonpartisan election in Caswell County for the purpose of electing the members from the five districts as hereinbefore provided, who shall constitute the Board of Education for Caswell County. Persons desiring to be candidates in said election must file notice of candidacy with the Chairman of the Caswell County Board of Elections prior to 6:00 P. M., May 11, 1949, and pay a filing fee of five dollars ($5.00).

Notice of candidacy; filing fee.

Election results.

SEC. 4. The Board of Elections of Caswell County shall meet on May 24, 1949, to canvass the votes and declare the person in each district who receives the highest number of votes cast to be elected from his district to the county board of education. The persons so declared to be elected shall qualify on June 1, 1949, and shall hold office until their successors are elected and qualified. If no person files as a candidate from any district or if any person dies, removes himself or otherwise ceases to be a candidate from any district after the time for filing has expired and before the election herein provided for, the Board of

Vacancy appointments.

Commissioners of Caswell County shall appoint some person from the district not represented as a member of the board of education and the person so appointed shall have all the rights, powers and duties of the elected members of said board and shall hold office until his successor is elected and qualified as hereinafter provided.

Registration books.

SEC. 5. The registration books shall be opened on Saturday, April 30 and Saturday, May 7, for the registration of voters and Saturday, May 14 and Saturday, May 21 (election day) shall be challenge days.

Nomination of candidates by districts.

SEC. 6. In the primary election to be held in Caswell County in 1950, and biennially thereafter, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated, one candidate from each of five districts, which districts are hereby created as follows:

District number 1 to consist of Yanceyville Township.

District number 2 to consist of Milton and Dan River Townships.

District number 3 to consist of Pelham and Locust Hill Townships.

District number 4 to consist of Stony Creek and Anderson Townships.

District number 5 to consist of Hightowers and Leasburg Townships.

Election of members by county at large.

SEC. 7. The names of the persons so nominated by each political party from the respective five districts shall be placed on the official county ballots of Caswell County, with the district from which each candidate is nominated appearing opposite his name, and the candidates so nominated from the respective districts shall be voted upon by the qualified voters of the county at large at the general election to be held in said county in 1950, and biennially thereafter. The candidate from each of the five districts receiving the highest number of votes in the general election shall be declared elected to represent his respective district as a member of the County Board of Education of Caswell County. There shall be no second primary. The members of the board of education elected at the general election in the year 1950 shall qualify by taking the oath of office on or before the first Monday in December next succeeding their election. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty (30) days after their appointment or election, and a failure to qualify within that time shall constitute a vacancy.

Qualification of members.

Failure to qualify constitutes vacancy.

Terms of office.

SEC. 8. The members of the board elected at the general election in the year 1950 shall hold office for a period of two years

from and after the first Monday in December, 1950, and until their successors are chosen and qualified.

Vacancy appointments.

SEC. 9. Any vacancy occurring in said board of education by death, resignation or otherwise, shall be filled as is now provided by State law for the filling of vacancies in county boards of education, but such person appointed to fill the vacancy shall be from the same district as the person whose death, resignation or removal created the vacancy on the board. If a person who has been nominated as a candidate from any district dies or removes himself or for any other reason cannot be a candidate in the general election, a candidate shall be appointed from the district which such person represented by the executive committee of the political party of which the dead or disqualified candidate was a member. Such appointee shall have his name placed upon the ballot to be voted upon in the general election the same as any candidate who has been nominated in a primary.

SEC. 10. If there is no candidate from any district, this shall constitute a vacancy which shall be filled as hereinabove provided.

Compensation of members.

SEC. 11. The members of the Board of Education of Caswell County shall be paid out of State school funds a per diem and mileage in accordance with the applicable provisions of general State law.

Conflicting laws repealed.

SEC. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 1298 CHAPTER 1068

AN ACT TO AMEND CHAPTER 722 OF THE SESSION LAWS OF 1949, RATIFIED ON APRIL 1, 1949, RELATING TO THE APPOINTMENT OF JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF THE STATE.

The General Assembly of North Carolina do enact:

Ch. 722, Session Laws, 1949, amended as to appointment of Justices of Peace, McDowell County.

SECTION 1. Section 1 of Chapter 722 of the Session Laws of 1949, ratified April 1, 1949, is hereby amended by striking out the words "Ennis Larving" opposite the words "Glenwood Township" under the heading "McDowell County" and inserting in lieu thereof the words "Ennis Lawing."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 259 CHAPTER 1069

AN ACT TO CLARIFY THE STATUTE REGARDING ESCHEAT OF DERELICT BANK DEPOSITS.

The General Assembly of North Carolina do enact:

G. S. 116-24, amended as to escheat of certain unclaimed bank deposits to University of N. C.

SECTION 1. That G. S. 116-24, as amended by Chapter 614 of the Session Laws of 1947, be, and the same is hereby, amended by adding at the end of said Section the following:

"Debits of service charges and debits of intangible taxes made by banks shall not be considered debits within the meaning of this Section. A bank shall be deemed to be unable to locate a depositor or owner when the present address of the depositor or owner is unknown to the bank, and U. S. mail addressed to the depositor or owner at the last known address, with a return address of the sending bank on the envelope, is returned undelivered to the bank mailing the same."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 295 CHAPTER 1070

AN ACT TO AMEND SECTION 143-117 OF THE GENERAL STATUTES RELATING TO THE COSTS AND EXPENSES OF PERSONS ADMITTED TO THE SCHOOL FOR THE BLIND AND DEAF AT RALEIGH.

The General Assembly of North Carolina do enact:

G. S. 143-117, requiring inmates of State institutions to pay costs, amended.

SECTION 1. G. S. 143-117 is hereby amended by striking out in line 11 of said Section the following words: "the School for the Blind and Deaf at Raleigh".

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 297 CHAPTER 1071

AN ACT TO AMEND G. S. 130-285 RELATING TO CANCER CLINICS.

The General Assembly of North Carolina do enact:

SECTION 1. Subsections 1 and 2 of G. S. 130-285, as they appear in the 1947 Supplement to the General Statutes, are amended to read as follows: G. S. 130-285, amended as to standards of State Board of Health cancer clinics.

"1. Meet the minimum requirements of the American College of Surgeons for tumor clinics; or the minimum requirements of the Division of Cancer Control, North Carolina State Board of Health.

"2. Each physician who shall staff such organization, board, or clinic, must be a diplomate of the American Board of the specialty of medicine of which he is engaged, or one who has been approved by his County Medical Society or its duly appointed representative, and the Division of Cancer Control, North Carolina State Board of Health."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 306 CHAPTER 1072

AN ACT RATIFYING THE ACTS OF THE DEPUTY CLERKS IN THE SUPERIOR COURT IN TAKING ACKNOWLEDGMENTS, EXAMINING WITNESSES AND PROBATING WILLS, DEEDS AND OTHER INSTRUMENTS REQUIRED BY LAW TO BE RECORDED.

The General Assembly of North Carolina do enact:

Deputy Clerks of Superior Court; validation of acknowledgements, etc.

SECTION 1. All acts heretofore performed by Deputy Clerks of the Superior Court in taking acknowledgments, examining witnesses and probating wills, deeds and other instruments required or permitted by law to be recorded are hereby validated: *Provided,* nothing in this Act shall affect pending litigation.

Pending litigation unaffected.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provision of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 307 CHAPTER 1073

AN ACT VALIDATING THE ACTS OF REGISTERS OF DEEDS IN RECORDING PLOTS AND MAPS BY TRANSCRIBING COPIES THEREOF OR ATTACHING THE ORIGINAL TO THE RECORDS IN A BOOK DESIGNATED "BOOK OF PLOTS."

The General Assembly of North Carolina do enact:

Acts of Registers of Deeds or deputy in recording plats and maps by certain methods validated.

SECTION 1. All acts heretofore performed by a register of deeds, or a deputy register of deeds in recording plots and maps by transcribing a correct copy thereof or permanently attaching the original to the records in a book designated "Book of Plots" is hereby validated the same as if said plots had been recorded as required by G. S. 47-30: *Provided, however,* that nothing herein contained shall affect pending litigation.

Pending litigation unaffected.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 339 **CHAPTER 1074**

AN ACT TO REIMBURSE CUMBERLAND COUNTY FOR TRANSPORTATION, SUBSISTENCE AND OTHER EXPENSES INCURRED IN APPREHENDING AND RETURNING FROM THE STATE OF WASHINGTON TO NORTH CAROLINA ONE J. D. MADISON CHARGED WITH COMMITTING A FELONY.

Preamble: Cumberland County Recorder's Court, issuance of warrant for J. D. Madison.

WHEREAS, on or about the 13th day of January 1949 the Clerk of the Recorder's Court of Cumberland County issued a warrant for one J. D. Madison charged with the felony of wilful misapplication and conversion to his own use the sum of $378.89; and

Apprehension in Tacoma, Washington.

WHEREAS, the said J. D. Madison fled to the City of Tacoma, Washington, where he was apprehended; and

Agreement of defendant to return to State.

WHEREAS, the defendant agreed to accompany an officer of Cumberland County back to this State without the necessity of requisition papers; and

Expenses incurred by Sheriff in return of defendant to State.

WHEREAS, the Sheriff of Cumberland County because of said agreement, and his inadvertence to the necessity of obtaining requisition papers in order to be entitled to the expense of bringing the offender back to this State, went to the City of Tacoma and brought the defendant back to North Carolina and in so doing incurred expense amounting to $624.77, which sum has been paid by Cumberland County; and

Order to State Treasurer to reimburse county for sums advanced.

WHEREAS, on the 17th day of February 1949, his Honor, John J. Burney, entered an order authorizing and directing the Treasurer of the State of North Carolina to reimburse Cumberland County for the sum advanced by it but no part of the same has been paid by the State of North Carolina: *Now, therefore,*

The General Assembly of North Carolina do enact:

Reimbursement to Cumberland County for sum expended in apprehension and return of J. D. Madison to State.

SECTION 1. The Governor of the State of North Carolina is authorized and empowered to reimburse Cumberland County for the sum of $624.77 advanced by it in apprehending and bringing back to the State of North Carolina one J. D. Madison charged with a felony, to-wit: The embezzlement, misapplication and conversion of the sum of $378.89.

Payment from funds appropriated to Governor's office for extraditions.

SEC. 2. That said sum be paid out of the fund appropriated to the Governor's office for the purpose of meeting the expense incident to the apprenhension and returning to the State of North Carolina by extradition of persons charged with committing crimes of the class of felonies.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 344 CHAPTER 1075

AN ACT TO MAKE IT ILLEGAL TO ERECT OR MAINTAIN A GRAVESTONE BEARING AN INSCRIPTION CHARGING ANYONE WITH THE COMMISSION OF A CRIME.

The General Assembly of North Carolina do enact:

Gravestone inscriptions charging the commission of a crime, prohibited.

Responsibility of persons in charge of cemetery.

Violations made misdemeanor.

SECTION 1. That it shall be illegal for any person to erect or cause to be erected any gravestone or monument bearing any inscription charging any person with the commission of a crime, and it shall be illegal for any person owning, controlling or operating any cemetery to permit such gravestone to be erected and maintained therein. If such gravestone has been erected in any graveyard, cemetery or burial plot, it shall be the duty of the person having charge thereof to remove and obliterate such inscription. Any person violating the provisions of this Act shall be guilty of a misdemeanor and fined or imprisoned or both, in the discretion of the court.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 358 CHAPTER 1076

AN ACT TO REQUIRE THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AND CONTRACTORS WORKING FOR SAID COMMISSION TO MAKE AVAILABLE TO ADJOINING LANDOWNERS SURPLUS MATERIAL DERIVED FROM GRADING.

The General Assembly of North Carolina do enact:

State Highway and Public Works Commission. Surplus material from grading made available to adjoining land owners.

SECTION 1. That it shall be the duty of the State Highway and Public Works Commission or any contractor working for said commission to make available to the adjoining landowner any gravel, dirt or material which is available from grading a road or highway through such adjoining lands which is not re-

quired or desired by the State Highway and Public Works Commission for use upon any part of the highway, and said surplus material shall not be sold or disposed of by the State Highway and Public Works Commission or any contractor working for them until the adjoining landowner has been given the right to accept and use the same when deposited on any convenient place at or near his land by the contractor or the commission.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. B. 610 CHAPTER 1077

AN ACT TO CREATE THE NORTH CAROLINA COMMUNICATION STUDY COMMISSION.

Preamble: Contribution of educational communication to welfare of people.

WHEREAS, the importance and contribution of radio, motion pictures, and related methods of educational communication to the education, health, economy and general welfare of the people have become recognized and accepted; and

Advantages of use of communication methods.

WHEREAS, the use of these methods could advance immeasurably North Carolina's program in the conservation and development of natural, industrial, and human resources; and

Advantages to rural areas.

WHEREAS, these methods are particularly advantageous educationally to those who live in the rural areas of North Carolina; and

Appointment of committee to study establishment of educational radio stations.

WHEREAS, the Governor of North Carolina appointed a committee of citizens to study and report upon the advisability and feasibility of establishing a network of educational radio stations; and

Need for communication study commission.

WHEREAS, this committee of citizens upon the basis of its survey and study has shown the immediate need for and recommended the establishment of a communication study commission to guide the growth and development of the total field of educational communication in North Carolina: *Now, therefore,*

The General Assembly of North Carolina do enact:

N. C. Communication Study Commission created.

SECTION 1. Communication Commission—There is hereby created an agency to be known as the North Carolina Communication Study Commission, which shall function for four years pursuant to the provisions of this Act.

Definitions.

SEC. 2. Definitions—As used in this Act.

"Communication." (1) "Communication" is defined as those methods, namely radio, motion pictures, still photography, slides, film strips, models, maps, charts, illustrated publications, facsimile and television, by means of which activities and materials of an educational nature are disseminated to the people of North Carolina at pre-school, primary, secondary, college, and adult levels.

"Commission." (2) "Commission" means the North Carolina Communication Study Commission.

"Committee." (3) "Committee" means the Advisory Communication Committee of the North Carolina Communication Study Commission.

Membership of Commission. SEC. 3. Membership of Commission; term—

(1) The Commission shall consist of the Governor, Superintendent of Public Instruction, and Director of the Department of Conservation and Development, as members ex-officio, together with seven members appointed by the Governor.

Appointments by Governor. (2) In making appointment to the Commission, the Governor shall choose three persons who understand the entire educational program of the State, two persons from the field of radio and two persons who shall represent business in the State. The Commission shall elect with the approval of the Governor one member to act as chairman. A majority of the Commission shall constitute a quorum.

Chairman of Commission; quorum.

Terms. (3) The seven members appointed by the Governor shall serve for a term of four years, from July 1, 1949, through June 30, 1953.

Removal of appointed member. (4) Any appointed member of the Commission may be removed by the Governor.

Vacancy appointments. (5) Vacancies in the Commission shall be filled by the Governor for the unexpired term.

Meetings of Commission. (6) The Commission shall meet quarterly, in January, April, July, and October, on a date to be fixed by the chairman. The Commission may be convened at such other times as the Governor or chairman may deem necessary.

Compensation of members. (7) Members of the Commission shall be paid seven dollars ($7.00) per day for each day required in attendance on meetings of the Commission and going to and returning from meetings and the same subsistence and travel allowance for attendance at meetings as is provided for State employees.

Duties of Commission. SEC. 4. Duties of the Commission—It shall be the duty of the Commission:

Determine needs and methods of educational communication. (1) To survey, study and appraise the need in North Carolina for an over-all plan in the use of all methods of educational communication at all levels of education in North Carolina.

(2) To survey, study and appraise the potential uses of these educational communication methods in North Carolina's program of conservation and development of natural, industrial and human resources. Study potential uses of such methods.

(3) To survey, study and appraise the potentialities which might lead to more effective cooperation among the communication industries and between the communication industries and the educational institutions. Study cooperation between communication industries and educational institutions.

(4) To survey, study and appraise the need and procedure for setting up facilities to train communication specialists and to train teachers in the use of communication equipment and materials in the classroom. Survey as to training of communication specialists and teachers.

(5) To survey, study and appraise the educational use of radio, television, motion pictures and any other methods of educational communication which may come to the attention of the Commission. Appraisal of methods of educational communication.

(6) To guide the growth and development of educational communication in North Carolina as it relates to the education, health, economy and general welfare of the people of North Carolina. Guide development of educational communication.

(7) To cooperate in the promotion of local, regional and State-wide use of all methods of educational communication as they relate to the education, health, economy and general welfare of the people of North Carolina. Promotion of State-wide use of methods.

(8) To establish and promote educational communication standards. Establish communication standards.

(9) To cooperate with State and Federal communication agencies, the Communication Advisory Committee, and with commercial communication interests in the promotion of educational opportunities through the methods of educational communication. Cooperation with State and Federal communication agencies, etc.

(10) To recommend biennially on the basis of its surveys, studies and appraisals specific actions to the General Assembly. Recommend specific actions to General Assembly.

(11) To submit a biennial report of its activities to the Governor and the General Assembly. Biennial report.

SEC. 5. Powers of Commission—The Commission is hereby authorized— Powers of Commission.

(1) To make rules and regulations for the proper administration of its duties. Rules and regulations.

(2) To accept any grant of funds made by the United States or any agency thereof for the purpose of carrying out its functions. Acceptance of grant of funds from U. S.

Acceptance of gifts, devises, etc.

(3) To accept gifts, bequests, devises and endowments. The funds, if given as an endowment, shall be invested in such securities as designated by the donor, or, if there is no designation, in those in which the State Sinking Fund may be invested. All such gifts, bequests, devises, and all proceeds from such invested endowments shall be used for carrying out the purpose for which they are made.

Administration of funds.

(4) To administer all funds available to the Commission.

Joint action with other State agency, etc., in carrying out objectives and responsibilities.

(5) To act jointly when advisable with any other State agency, institution, department or commission in order to carry out the Commission's objectives and responsibilities. No activity of the Commission, however, shall be allowed to interfere with the work of any other State agency, *provided, however*, that the work of the Commission shall, to the extent possible, be coordinated with the work and objectives of the Department of Education.

Employment of executive director, etc.

(6) To employ, with the approval of the Governor, an executive director, and upon the recommendation of the executive director, such other persons and/or companies as may be needed to carry out the provisions of this Act. The executive director shall act as secretary to the Commission.

Other necessary acts.

(7) To do any and all other things reasonably necessary to carry out the purposes of this Act.

Appointment of Communication Advisory Committee; terms.

SEC. 6. Advisory Committee.—The Governor shall name a communication advisory committee consisting of thirty members who shall serve for a term of two years, from July 1, 1949, to July 1, 1951, and their successors shall be appointed for a term of two years beginning July 1, 1951, and ending June 30, 1953. The Governor shall name one member to act as a chairman of the committee. Vacancies occurring on the committee shall be filled by the Governor for the unexpired term. Members of the committee shall be representative in so far as possible of North Carolina education in general, the communication industries of North Carolina, and all other groups who might derive benefit from or be beneficial to education in North Carolina.

Vacancy appointments.

Representation on committee.

Meetings of committee; compensation.

The committee shall meet at least once each year with the Commission at times and places to be fixed by the Governor. Members of the committee shall serve without compensation, but shall be paid the same subsistence and travel allowance for attendance at meetings as is provided for State employees.

Committee to act in advisory capacity to Commission.

The committee shall act in an advisory capacity to the Commission. It shall help the Commission in every way possible by means of suggestion, discussions, and knowledge of educational needs throughout the State in the advancement of educational opportunities through the methods of communication.

SEC. 7. There is hereby appropriated to the Commission for the purposes of this Act, out of the General Fund of the State, the sum of twelve thousand five hundred dollars ($12,500.00) for the fiscal year beginning July 1, 1949 and ending June 30, 1950, and a like sum for the fiscal year beginning July 1, 1950, and ending June 30, 1951. Appropriation for purposes of Act.

SEC. 8. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act, and to this end the provisions of this Act are declared to be severable. Partial invalidity section.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. B. 261 CHAPTER 1078

AN ACT TO AMEND THE WORKMEN'S COMPENSATION ACT TO PROVIDE FOR COMPENSATION TO MEMBERS OF FIRE DEPARTMENTS FOR DEATH OR DISABILITY RESULTING FROM HEART DISEASE.

The General Assembly of North Carolina do enact:

SECTION 1. That General Statutes of North Carolina, Section 97-53 be and the same is hereby amended by adding the following Subsection thereto: "26—In case of members of fire departments of cities, counties or municipal corporations or political subdivisions of the State, whether such members are voluntary, partly paid or fully paid, coronary thrombosis, coronary occlusion, angina-pectoris or acute coronary insufficiency shall each be deemed to be an occupational disease within the meaning of this Article, *provided:* G. S. 97-53, Workmen's Compensation Act, amended. Members of fire departments, certain heart diseases deemed occupational diseases.

(a) Such disease develops or first manifests itself during a period while such member is an active member of such department or unit, and First manifestation of disease during active membership.

(b) Said member, prior to such manifestation or development, shall have served five consecutive years or more immediately preceding such manifestation or development as an active member of said fire service, and Period of service preceding manifestation of disease.

(c) Said member, upon entering said fire service or not less than five years prior to first manifestation or development of said heart disease, shall have undergone a medical examination, Required medical examination.

which examination failed to disclose the presence of such disease.

Local plans for purposes of Act.

(d) Cities may adopt their own plans for the purpose of carrying out the intent of this Act.

Determination of time of first manifestation of disease.

For the purpose of the foregoing, the time of development or first manifestation of such diseases shall only be determined by and run from the date of first notice of the existence of such diseases to such member by a physician or the date of death as a result of such diseases."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 285 CHAPTER 1079

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE FOR THE HOLDING OF PUBLIC HEARINGS ON RATE FILINGS.

The General Assembly of North Carolina do enact:

G. S. Ch. 58, Insurance Law, amended.

SECTION 1. That Chapter 58 of the General Statutes of North Carolina be amended as follows:

G. S. 58-27.1, powers of Insurance Advisory Board, amended.

(1) Amend Section 58-27.1 by adding at the end thereof a new Section to read as follows: "(3) The insurance advisory board shall, within three months of the ratification of this Act promulgate rules and regulations to provide for the holding of public hearings before the Commissioner of Insurance, or any person employed by the insurance department authorized by the commissioner to act in his stead, on such proposals, to revise an existing rating schedule the effect of which is to increase or decrease the charge for insurance or to set up a new rating schedule, as are subject to the approval of the commissioner and as, in the judgment of the board, are of such nature and importance as to justify and require a public hearing. The board shall have authority to determine by such rules and regulations the circumstances under which such public hearings shall be held and the Commissioner of Insurance shall hold public hearings in accordance with such rules and regulations. From time to time the board may revise and change its promulgated rules and regulations in such manner as, in its judgment, the public interest may require."

Public hearings as to change of rating schedules.

(2) Insert a new Section as follows: "Section 58-27.2. Public hearings; publication of notice. (1) Whenever any statutory or licensed insurance rating bureau or any insurance company making its own rate filings make any proposal to revise an existing rating schedule the effect of which is to increase or decrease the charge for insurance, or to set up a new rating schedule, and such rating schedules are subject to the approval of the commissioner, such bureau or company shall file its proposed change and supporting data with the commissioner who shall thereafter, before acting upon any such proposal, order a public hearing thereon, if such hearing is required by the rules and regulations adopted by the insurance advisory board and then in accordance therewith, and fix a time and place for such hearing not earlier than twenty days thereafter. The bureau or the company making such proposal shall, not more than ten days prior to the time of such public hearing, cause to be published in a daily newspaper or newspapers published in North Carolina, and in accordance with the rules and regulations of the insurance advisory board, a notice, in the form and content approved by the commissioner, setting forth the nature and effect of such proposal and the time and place of the public hearing to be held.

G. S. 58-27.2, enacted.

Public hearing on revision of existing schedule or establishment of new schedule.

Notice of hearing.

"(2) The provisions of this Act shall be applicable to all rating bureaus operating in North Carolina and all companies making independent filings under the provisions of Chapters 58 and 97 of the General Statutes of North Carolina, and shall be in addition to any requirements otherwise made specifically applicable to said bureaus and companies."

Application of Act.

SEC. 2. For the use of the insurance department in the administration of this Act and for the employment of a casualty actuary, there is hereby appropriated from the general fund for the biennium 1949-51 such sum, not to exceed $20,000.00 per annum, as is found by the insurance advisory board to be necessary therefor.

Appropriation to Insurance Department for administration of Act.

SEC. 3. If any part of this Act, or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Act on their application to any other persons or conditions, and to this end the provisions of this Act are hereby declared to be separable.

Partial invalidity section.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 301 **CHAPTER 1080**

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO FRATERNAL ORDERS AND SOCIETIES TO PERMIT THEM TO MERGE, CONSOLIDATE OR REINSURE THEIR RISKS WITH LIFE INSURANCE COMPANIES AS WELL AS WITH OTHER FRATERNAL ORDERS OR SOCIETIES LICENSED IN NORTH CAROLINA, OR TO BE LIQUIDATED.

The General Assembly of North Carolina do enact:

G. S. 58-303, rewritten.

Merger, consolidation, etc., of fraternal risks with licensed life insurance companies or other fraternal orders or societies.

SECTION 1. G. S. 58-303 be and the same is hereby repealed and rewritten to read as follows: "58-303. Merger, consolidation or reinsurance of fraternal risks with licensed life insurance companies or with other fraternal orders or benefit societies. No fraternal order or society organized under the laws of this State to do the business of life, accident, or health insurance shall consolidate or merge with any other fraternal order or society, or with a life insurance company, or reinsure its risks, or any part thereof with any other fraternal order or society, or with a life insurance company, or assume or reinsure the whole or any portion of the risks of any other fraternal order or society, except with a fraternal order or society, or a life insurance company, licensed to transact business in North Carolina and subject to the provisions of G. S. 58-304."

G. S. 58-304, rewritten.

Contracts approved by boards of directors or governing bodies.

SEC. 2. That G. S. 58-304 be and the same is hereby repealed and rewritten to read as follows: "G. S. 58-304. Contracts approved by boards of directors or governing bodies to same; approved by Commissioner of Insurance. When any fraternal order or society shall propose to consolidate or merge its business or to enter into a contract of reinsurance with any other fraternal order or society or with a life insurance company, or to assume or reinsure the whole or any portion of the risks of any other fraternal order or society, the proposed contract in writing setting forth the terms and conditions of the proposed consolidation, merger, or reinsurance shall be submitted to the boards of directors or to the governing bodies of each of said parties to said contract at a meeting called for that purpose by notice given in writing ten days prior thereto, and if approved by a majority vote of the said boards of directors, or governing bodies, said contract as so approved shall be submitted to the Commissioner of Insurance of this State for his approval, and the parties to said contract shall at the same time submit a sworn statement showing their financial condition as of the 31st day of December next preceding the date of such contract. *Provided*, that the Commissioner of Insurance may, within his discretion, require such financial statement to be submitted as of the last day of the month next preceding the date of such contract. The Commissioner of Insurance shall thereupon consider such con-

Ten days notice of meeting.

Submission of contract to Commissioner of Insurance.

Statement of financial condition.

tract of consolidation, merger or reinsurance, and if satisfied that the interests of the certificate and policyholders of each of the parties are properly protected and that the contract will be in the public interest, and that such contract is just and equitable to the certificate and policyholders of each of the parties, and that no reasonable objection exists thereto, he shall approve said contract as submitted. In case the parties corporate to such contract shall have been incorporated in separate states, or territories, such contract shall be submitted as herein provided to the Commissiner of Insurance of each of such incorporating states, or territories, to be considered and approved separately by each of said commissioners of insurance. If the Commissioner of Insurance approves such contract of consolidation, merger, or reinsurance, he shall issue a certificate to that effect, and thereupon the said contract of consolidation, merger or reinsurance shall be in full force and effect. In case such contract is not approved it shall be inoperative, and the fact of the submission and its contents shall not be disclosed by the Commissioner of Insurance."

Consideration and approval of contract by Commissioner.

Procedure when parties to contract incorporated in separate states.

Effect of decision of Commissioner.

SEC. 3. That Chapter 58 of the General Statutes of North Carolina be amended by adding a new Section thereto to be numbered 58-304.1, and reading as follows: "58-304.1. Application of Sections 58-155.1 to 58-155.35, inclusive. That the provisions of G. S. 58-155.1 to 58-155.35, inclusive, shall apply, where pertinent, to all fraternal orders and societies doing business in this State."

G. S. 58-304.1, enacted.

Application of G. S. 58-155.1 to 58-155.35, inclusive, to fraternal orders and societies.

SEC. 4. All laws and clauses of laws, and in particular the provisions of G. S. 58-289, in conflict with this Act are repealed to the extent of such conflict.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 303 **CHAPTER 1081**

AN ACT TO EXTEND THE PERIOD DURING WHICH THE MUNICIPALITIES MAY ISSUE REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, BETTERMENT, AND EXTENSION OF REVENUE PRODUCING UNDERTAKINGS AS AUTHORIZED BY CHAPTER 2 OF THE PUBLIC LAWS OF THE EXTRA SESSION OF 1938.

The General Assembly of North Carolina do enact:

Ch. 2, Public Laws, Ex-Session, 1938, Revenue Bond Act of 1938, amended.

SECTION 1. That Chapter 2 of the Public Laws of North Carolina of the Extra Session of 1938 (Chapter 160, Sections 413 to 434 of the General Statutes of North Carolina, 1943) as amended by Chapter 207 of the Public Laws of 1941; by Chapter 596 of the Public Laws of 1943; by Chapter 771 of the Public Laws of 1943; and by Chapter 333 of the Public Laws of 1945, be and the same is hereby amended by striking out all of Sections 5, 9, and 11 and substituting in lieu of Sections 5 and 9 the following:

Sec. 5 (G. S. 160-417), rewritten.

Issuance of revenue bonds.

Date and maturity.

Interest rate.

Form, denomination, etc.

Execution.

Interim receipts.

Negotiability.

"SEC. 5. Revenue bonds may be issued under this Article in one or more series; may bear such date or dates, may mature at such time or times, not exceeding thirty-five years from their respective dates; may bear interest at such rate or rates, not exceeding six per centum (6%) per annum, payable at such time or times; may be payable in such medium of payment; at such place or places; may be in such denomination or denominations; may be in such form either coupon or registered; may carry such registration, conversion, and exchangeability privileges; may be subject to such terms of redemption with or without premium; may be declared or become due before the maturity date thereof; may be executed in such manner, and may contain such terms, covenants, assignments, and conditions as the resolution or resolutions authorizing the issuance of such bonds may provide. All bonds issued under this Article bearing the signature of officers in office on the date of the signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, such officers whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. Pending the preparation of the definitive bonds, interim receipts, in such form and with such provisions as the governing body may determine, may be issued to the purchaser or purchasers of bonds to be issued under this Article. Said bonds and coupons and said interim receipts shall be negotiable for all purposes, except as restricted by registration, and shall be and are hereby declared to be nontaxable for any and all purposes.

Sec. 9 (G. S. 106-421), rewritten.

Approval and sale of bonds.

"SEC. 9. All revenue bonds issued pursuant to this Article shall be approved and sold by the Local Government Commission in the same manner as municipal bonds are approved and sold

by that commission, except that the said commission may sell any bonds issued pursuant to this Article to the United States of America, or any agency thereof, at private sale and without advertisement. It shall not be necessary for any municipality proceeding under this Article to obtain any other approval, consent, or authorization of any bureau, board, commission, or like instrumentality of the State for the construction of an undertaking, *provided, however,* that existing powers and duties of the State Board of Health shall continue in full force and effect. And *provided further* that no municipality shall construct any systems, plants, works, instrumentalities, and properties used or useful in connection with the generation, production, transmission, and distribution of gas (natural, artificial, or mixed) or electric energy for lighting, heating, and power for public and private usage without having first obtained a Certificate of Convenience and Necessity from the North Carolina Utilities Commission, except that this requirement for a Certificate of Convenience and Necessity shall not apply to any such undertaking defined in this proviso which has been authorized or the bonds for which have been authorized by any General, Special, or Local Law enacted prior to the effective date of this Act."

Provision for Certificate of Convenience and Necessity.

SEC. 2. That Chapter 2 of the Public Laws of North Carolina, Extra Session of 1938, is hereby reenacted in its entirety as hereby amended.

Ch. 2, Public Laws, Ex-Session 1938, reenacted as amended.

SEC. 3. That all laws and clauses of laws in conflict with the provisons of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 343 CHAPTER 1082

AN ACT TO AMEND CHAPTER 115 OF THE GENERAL STATUTES AND TO CLARIFY THE METHOD OF HANDLING SCHOOL FUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 115-165 of the General Statutes of North Carolina be amended by striking out the whole of said Section and substituting in lieu thereof the following:

G. S. 115-165, relating to revenue for public schools, rewritten.

"G. S. 115-165. Treasurer of school funds.

Treasurer of school funds, county school administrative unit.

"(1) County school administrative unit—The county treasurer of each county shall be the treasurer of all county school funds and school district funds of county school administrative units.

He shall receive and disburse all such school funds and shall keep the same separate and distinct from all other funds.

Bond required.

"Before entering upon the duties of his office, the county treasurer shall furnish bond in some surety company authorized to do business in North Carolina in an amount to be fixed by the board of county commissioners, which bond shall be a separate bond, not including liability for other funds, and shall be conditioned for the faithful performance of his duties as treasurer of the county school funds and school district funds of the county administrative unit and for the payment to his successor in office of any unexpended balance of school moneys which may be in his hands. The board of county commissioners may from time to time, if necessary, require him to strengthen his bond.

Condition of bond.

Counties in which bank or trust company acts as treasurer.

"In all counties in which the office of county treasurer has been abolished as authorized by General Statutes 115-3, or when by any other law a bank or trust company has been substituted therefor, such bank or trust company shall act as treasurer and depository of all county school funds and school district funds; *provided, however,* that such bank or trust company acting as treasurer of county school funds and district school funds shall not be required to maintain the system of bookkeeping and accounting imposed upon the county treasurer by General Statutes 155-7, but the duty and responsibility of keeping and maintaining the accounting system as to county and district school funds shall be the duty and responsibility of the county accountant or county auditor serving as such under the provisions of General Statutes 153-115; and, *provided further,* that nothing contained in this Act shall relieve the superintendent of any county administrative unit from maintaining such accounting system and furnishing such reports as are now or may hereinafter be imposed upon him by law.

Accounting system required for bank or trust company.

Delegation of duty of accounting system.

Accounting system of county superintendents, unaffected.

Appointment of treasurer of school funds, city school administrative unit.

"(2) City school administrative unit—Unless otherwise provided by law, the board of trustees of a city administrative unit shall appoint a treasurer of all the school funds of such city administrative unit. The treasurer so appointed shall continue to fill such position at the will of the board of trustees of such city administrative unit. No person authorized to make the expenditures or draw vouchers therefor, or to approve the same, shall act as treasurer of such funds.

Bond required.

"Before entering upon the duties of his office, the treasurer of such city administrative unit shall file with the trustees of such administrative unit a good and sufficient bond with surety by some surety company authorized to do business in North Carolina in an amount to be fixed by the board of trustees of such administrative unit, which shall be a separate bond, not including liability for any other funds, and shall be conditioned for the faithful performance of the duties of treasurer of the

Condition of bond.

city administrative unit school funds and for the proper accounting for all such funds as may come into his possession by virtue of his office as treasurer and for payment to his successor in office of any unexpended balance of school moneys which may be in his hands.

Accounts and records of treasurer.

"The treasurer of city administrative unit school funds is hereby required to maintain and keep, with respect to said funds, like records and accounts and make such reports with respect to said funds as herein provided to be made, kept, and maintained by the treasurer of county and district school funds of county administrative units.

Treasurer of special funds of individual schools.

"(3) Special funds of individual schools—The county board of education of all county administrative units and the board of trustees of all city administrative units shall, by proper resolution duly recorded, appoint a treasurer of all special school funds for each school in the respective administrative unit. In all individual schools a complete record shall be kept by the treasurer so appointed and reports made of all money received and from what source and of all money disbursed and for what purpose; *provided, however,* that nothing in this Subsection (3) shall prevent the handling of these special school funds under Subsection (1) and Subsection (2) of this Section. The treasurer of all special funds so appointed and the principal of each school shall make a monthly report, and such other reports as may be required, to the superintendent of the administrative unit wherein such individual school is located, showing the status of each special school fund, upon forms to be supplied for that purpose."

Records and reports required.

SEC. 2. That Section 115-366 of the General Statutes of North Carolina be amended by striking out the last paragraph of said Section and substituting in lieu thereof the following:

G. S. 115-366, School Machinery Act, amended.

Bond required of all persons handling school funds and school property.

"The board of education in each county administrative unit and the trustees of each city administrative unit shall cause all persons authorized to draw or approve school checks or vouchers drawn on school funds, whether county, district, or special, and all persons who as employees of such administrative unit are authorized or permitted to receive any school funds from whatever source, and all persons responsible for or authorized to handle school property to be bonded for the faithful discharge of their duties in such amount as in the discretion of said governing authorities of said administrative unit shall deem sufficient for the protection of said school funds or property with surety by some surety company authorized to do business in the State of North Carolina. The amount deemed necessary to cover the cost of such surety bond shall be included as an item in the general school budget of such school administrative unit and shall be paid from the funds provided therefor; but nothing in this Section shall prevent the governing authorities of the respective administrative units from prorating the cost of such bond between the funds sought to be protected."

Payment of bonds.

G. S. 115-368, how school funds shall be paid out, amended.

SEC. 3. That Section 115-368 of the General Statutes of North Carolina be amended by changing in line 1 of the last paragraph of this Section the number "3" to "4" and inserting after the present paragraph "2" the following paragraph:

Special funds of individual schools.

"3. Special funds of individual schools—The board of education of a county administrative unit and the board of trustees of a city administrative unit shall, unless otherwise provided for by law, designate the bank, depository, or trust company authorized to do business in North Carolina in which all special funds of each individual school shall be deposited. Such funds shall be paid out only on checks signed by the principal of the school and the treasurer who has been selected by the respective boards; *provided*, this procedure for depositing and disbursing funds is not required for schools handling less than three hundred dollars ($300.00), and if in the judgment of the boards of the respective administrative units such procedure should not be required. However, in all schools a complete record shall be kept by the treasurer and reports made of all money received and disbursed by him in handling funds of the school; *provided, further*, that nothing in this Subsection (3) shall prevent the disbursing of all these special funds upon signatures required under the provisions of Subsections (1) and (2) of this Section."

Record of moneys received and disbursed.

G. S. 115-369, audit of school funds, reenacted.

SEC. 4. That Sections 115-369 of the General Statutes of North Carolina pertaining to the audit of school funds is hereby repealed and the following Section substituted in lieu thereof:

"G. S. 115-369 Audit of school funds—All school funds shall be audited and reports made for each school year.

State school funds.

"1. State school funds. The State Board of Education, in cooperation with the State Auditor, shall cause to be made an annual audit of the State school funds disbursed by county and city administrative units and such additional audits as may be deemed necessary.

County and city administrative unit and district school funds.

"2. County and city administrative unit and district school funds. The county board of education and the board of trustees of city administrative units, respectively, in cooperation with the State Board of Education, shall cause to be made an annual audit of all county, city, and district school funds, and the school boards shall provide for the payment of the cost thereof in the school budgets of the respective administrative units.

"The annual audits shall be completed as near to the close of the year as practicable and copies of said audit shall be filed with the State Board of Education, the Director of the Local Government Commission, and the State Superintendent of Public Instruction not later than October 1st after the close of the fiscal year on June 30th.

"3. Special funds of individual schools. The county board of education and the board of trustees of city administrative units, respectively, shall cause to be made, at the time the audit of the county or city funds is made, an audit of the special school funds of each school in the respective administrative units.

Special funds of individual schools.

"(4) Filing and publication of audits. Copies of the audit of the several county and city administrative units and special funds of individual schools required by this Act shall be filed with the chairman and the secretary of the governing body of the unit receiving and disbursing such funds, and with the county auditor and the Clerk of the Superior Court of the county in which such unit is located. It shall be the duty of the chairman and secretary of such governing bodies and of the county auditor and Clerk of the Superior Court to receive and file such audits and make the same accessible for inspection by any citizen of the county or patron of the school during regular office hours. A copy of the audit shall be filed with a newspaper with general circulation in the county and the same shall be published in said paper together with a statement indicating the offices in the county in which copies of the audit have been filed: *Provided* that if the length of the audit would cause its publication cost to be excessive in the opinion of the governing body of said unit, the governing body may also file with the newspaper a condensed statement of the audit showing the receipts as to sources thereof and disbursements as to purposes thereof, prepared by the auditor making the full audit, and cause the same to be published in lieu of publication of the full audit. If there be no newspaper published in the county, a copy of the audit shall be posted at the courthouse door and on the bulletin board in the office of the secretary of the board of the unit. It shall be the duty of the governing body of said unit to comply with the provisions of this paragraph on or before the first day of October after the close of every fiscal year.

Filing and publication of audits.

Inspection of audits.

Publication of full audit.

Publication of condensed audit.

"The county board of education in a county administrative unit and the board of trustees in a city administrative unit shall include in the school budgets of the respective administrative units funds for the payment of the costs of the audits of county, city, district, and special funds of individual schools as required under Subsections 2 and 3 of this Section; *provided*, that nothing in this Section shall prevent the respective boards from prorating the cost of auditing of special funds to the special funds of each school."

Payment of costs of audits.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect on and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 361 CHAPTER 1083

AN ACT TO AMEND G. S. 160-198 AUTHORIZING THE MUNICIPAL BOARD OF CONTROL TO PROVIDE FOR THE FIRST ELECTION OF MUNICIPAL OFFICES IN A NEWLY INCORPORATED TOWN.

The General Assembly of North Carolina do enact:

G. S. 160-198, Municipal Corporation Act, of 1917, amended.

SECTION 1. That G. S. 160-198 be and the same hereby is amended by adding at the end of Subsection 3 thereof the following:

Election of officials in newly incorporated municipality.

Registration of voters.

"The board of control shall appoint a registrar and two judges of election to hold the first election for mayor and commissioners and make such order as may be deemed proper and necessary for the holding of said first election and the certification of persons elected as mayor and commissioners. The list of the names of qualified voters attached to the petition shall be treated as the registration of qualified voters for said election, but the board may provide for the registration of any other qualified voters in the territory on or before the day of election."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 369 CHAPTER 1084

AN ACT TO CONSTITUTE CERTAIN HANDLING OF POISONOUS REPTILES A PUBLIC NUISANCE AND TO PROVIDE FOR THE ABATEMENT THEREOF AND THE PUNISHMENT OF PERSONS RESPONSIBLE FOR SUCH HANDLING.

The General Assembly of North Carolina do enact:

Handling of poisonous reptiles, declared public nuisance and criminal offense.

SECTION 1. The intentional exposure of human beings to contact with reptiles of a venomous nature being essentially dangerous and injurious and detrimental to public health, safety and welfare, the indulgence in and inducement to such exposure is hereby declared to be a public nuisance and a criminal offense, to be abated and punished as provided in this Act.

Regulation of ownership or use of poisonous reptiles.

SEC. 2. It shall be unlawful for any person to own, possess, use, or traffic in any reptile of a poisonous nature whose venom is not removed, unless such reptile is at all times kept securely in a box, cage, or other safe container in which there are no

openings of sufficient size to permit the escape of such reptile, or through which such reptile can bite or inject its venom into any human being.

Intentional handling of poisonous reptiles prohibited.

SEC. 3. It shall be unlawful for any person to intentionally handle any reptile of a poisonous nature whose venom is not removed, by taking or holding such reptile in bare hands or by placing or holding such reptile against any exposed part of the human anatomy, or by placing their own or another's hand or any other part of the human anatomy in or near any box, cage, or other container wherein such reptile is known or suspected to be. It shall also be unlawful for any person to intentionally suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself to any such poisonous reptile in any manner defined in this Act.

Suggestion or inducement to other persons to handle reptiles prohibited.

Investigation of suspected violations.

SEC. 4. In any case in which any law enforcement officer has reasonable grounds to believe that any of the provisions of this Act have been or are about to be violated, it shall be the duty of such officer and he is hereby authorized, empowered, and directed to immediately investigate such violation or impending violation and to forthwith seize the reptile or reptiles involved, and all such officers are hereby authorized and directed to deliver such reptiles to the respective county health authorities for examination and tests of such reptiles by such authorities or other qualified authorities to which the county health authorities may refer the same, for the purpose of ascertaining whether said reptiles contain venom and are poisonous. If such health authorities, or other qualified authorities designated by them to make such examinations and tests, find that said reptiles are dangerously poisonous, it shall be the duty of the officers making the seizure, and they are hereby authorized and directed to forthwith destroy such reptiles; but if said health authorities, or other qualified authorities by them designated to make such examination and tests, find that the reptiles are not dangerously poisonous, and are not and cannot be harmful to human life, safety, health or welfare, then it shall be the duty of such officers to return the said reptiles to the person from whom they were seized.

Seizure of reptiles; examination.

Destruction of reptiles if determined poisonous.

Return of reptiles if determined harmless.

Arrest of persons violating provisions of Act.

SEC. 5. If the examinations and tests made by the county health or other qualified authorities as provided herein show that such reptiles are dangerously poisonous, it shall be the duty of the officers making the seizure, in addition to destroying such reptiles, also to arrest all persons violating any of the provisions of this Act.

Exemptions from provisions of Act.

SEC. 6. This Act shall not apply to the possession, exhibition, or handling of reptiles by employees or agents of duly constituted museums, laboratories, educational or scientific institutions in the course of their educational or scientific work.

Violations made misdemeanor.

SEC. 7. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both, in the discretion of the court.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 378 CHAPTER 1085

AN ACT AMENDING THE LOCAL GOVERNMENT ACT, BEING ARTICLE 1 OF CHAPTER 159 OF THE GENERAL STATUTES, RELATING TO APPLICATIONS TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE ISSUANCE OF BONDS OR NOTES.

The General Assembly of North Carolina do enact:

Local Government Act amended.

SECTION 1. G. S. 159-7 is hereby amended by rewriting said Section so that the same shall hereafter read as follows:

G. S. 159-7, application to Commission for issuance of bonds or notes, rewritten.

"SEC. 159-7. Application to Commission for Issuance of Bonds or Notes. Before any bonds or notes may be issued by or in behalf of a unit the board authorized by law to issue the same, or a duly authorized agent of said board, shall file application with the commission on a form prescribed by the commission for its approval of the proposed bonds or notes, which application shall state such facts and shall have annexed thereto such exhibits in regard to such bonds or notes and to such unit and its financial condition as may be required by the commission. In any case where the question of issuance of proposed bonds or notes is required by law or the Constitution to be submitted to the voters at an election such election with respect to such bonds or notes shall not be valid unless the application required herein shall have been filed not later than forty days (Sundays and holidays included) prior to such election. A statement signed by either the chairman or secretary of the commission directed to the board authorized by law to issue the proposed bonds or notes and containing the date on which such application was filed and either a description of the proposed bonds or notes as set forth in the application or reference to the order, ordinance or resolution pursuant to which the proposed bonds or notes may be issued shall be conclusive evidence that the provisions of this Section are complied with. The commission shall consider such application and shall determine whether the issuance of such bonds or notes is necessary or expedient."

Contents of application.

Time for filing application, where bond issue subject to election.

Evidence of compliance with provisions of section.

Action by Commission.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in force and effect from and after May 15, 1949. Effective date.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 394 **CHAPTER 1086**

AN ACT PROVIDING THAT THE STATE OF NORTH CAROLINA MAY ENTER INTO A COMPACT WITH ANY ONE OR MORE OF THE STATES OF MAINE, NEW HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, RHODE ISLAND, NEW YORK, NEW JERSEY, DELAWARE, MARYLAND, VIRGINIA, SOUTH CAROLINA, GEORGIA, AND FLORIDA, AND WITH SUCH OTHER STATES AS MAY JOIN, TO PROMOTE THE BETTER UTILIZATION OF THE FISHERIES, MARINE, SHELL AND ANADROMOUS OF THE ATLANTIC SEABOARD AND TO CREATE THE ATLANTIC STATES MARINE FISHERIES COMMISSION; PROVIDING FOR THE MEMBERS OF SUCH COMMISSION FROM THE STATE OF NORTH CAROLINA PROVIDING FOR THE CARRYING OUT OF SAID COMPACT: AND MAKING AN APPROPRIATION.

The General Assembly of North Carolina do enact:

SECTION 1. The Governor of this State is hereby authorized and directed to execute a compact on behalf of the State of North Carolina with any one or more of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, South Carolina, Georgia, and Florida and with such other states as may enter into the compact, legally joining therein in the form substantially as follows: Participation by State in Atlantic States Marine Fisheries Compact.

Atlantic States Marine Fisheries Compact

The contracting states solemnly agree: Agreements of contracting States.

Article I

The purpose of this compact is to promote the better utilization of the fisheries, marine, shell and anadromous, of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. It is not the purpose of this compact to authorize the states joining herein to limit the production of fish or fish products for the purpose Purpose of compact.

of establishing or fixing the price thereof, or creating and perpetuating monopoly.

Article II

Time when agreement shall become operative.

This agreement shall become operative immediately as to those states executing it whenever any two or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, South Carolina, North Carolina, Georgia and Florida have executed it in the form that is in accordance with the laws of the executing state and the congress has given its consent. Any state contiguous with any of the aforementioned states and riparian upon waters frequented by anadromous fish, flowing into waters under the jurisdiction of any of the aforementioned states, may become a party hereto as hereinafter provided.

Article III

Atlantic States Marine Fisheries Commission.

North Carolina members of Commission.

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Atlantic States Marine Fisheries Commission. The board of the North Carolina Department of Conservation and Development shall designate either the Director of the Department, the Chairman of the Committee on Commercial Fisheries, or the Commissioner of Commercial Fisheries as one member of the commission, and the Commission on Interstate Cooperation of the State shall designate a member of the North Carolina Legislature as one of the members of said commission, and the third member of said commission, who shall be a citizen of the State having a knowledge of and interest in marine fisheries, shall be appointed by the Governor. This commission shall be a body corporate, with the powers and duties set forth herein.

Duties of Commission.

Article IV

Conservation of fisheries of Atlantic Seaboard.

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Atlantic seaboard. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the aforementioned states.

Drafting and recommendation of legislation dealing with conservation of fisheries.

To that end the commission shall draft and, after consultation with the Advisory Committee hereinafter authorized, recommend to the governors and legislatures of the various signatory states legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Atlantic seaboard. The commis-

sion shall more than one month prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intents and purposes of this compact.

Presentation of recommendations.

The commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

Consultation with administrative agencies of signatory States.

The commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs, or joint stocking by some or all of the states party hereto, and when two or more of the states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

Recommendations as to stocking of waters.

Article V

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

Organization of Commission.

Article VI

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The commission shall define what shall be an interest.

Determination of issues by majority vote.

Article VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Atlantic States Marine Fisheries Commission, cooperating with the research agencies in each state for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the commission.

Primary research agency of Commission.

An advisory committee to be representative of the commercial fishermen and the salt water anglers and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

Establishment of advisory committee.

Article VIII

Participation of State not specifically named.

When any state other than those named specifically in Article II of this compact shall become a party thereto for the purpose of conserving its anadromous fish in accordance with the provisions of Article II the participation of such state in the action of the commission shall be limited to such species of anadromous fish.

Article IX

Construction of compact.

Nothing in this compact shall be construed to limit the powers of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing additional conditions and restrictions to conserve its fisheries.

Article X

Notice of continued absence of representation.

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

Article XI

Annual appropriation by signatory States.

The states party hereto agree to make annual appropriations to the support of the commission in proportion to the primary market value of the products of their fisheries, exclusive of cod and haddock, as recorded in the most recent published reports of the Fish and Wildlife Service of the United States Department of the Interior, *provided* no state shall contribute less than two hundred dollars ($200.00) per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars ($100.00).

Schedule of initial annual State contributions.

The compacting states agree to appropriate initially the annual amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the catch record of 1938. Subsequent budgets shall be recommended by a majority of the commission and the cost thereof allocated equitably among the states in accordance with their respective interests and submitted to the compacting states.

Schedule of Initial Annual State Contributions

Maine	$ 700	Delaware	$ 200
New Hampshire	200	Maryland	700
Massachusetts	2300	Virginia	1300
Rhode Island	300	North Carolina	600
Connecticut	400	South Carolina	200
New York	1300	Georgia	200
New Jersey	800	Florida	1500

Article XII

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other states party hereto.

Duration of compact.

Notice of renunciation.

SEC. 2. The Governor is authorized to execute on behalf of the State of North Carolina an amendment to the compact set out in Section 1 with any one or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia, and Florida or such other states as may become party to that compact for the purpose of permitting the states that ratify this amendment to establish joint regulation of specific fisheries common to those states through the Atlantic States Marine Fisheries Commission and their representatives on that body. Notice of intention to withdraw from this amendment shall be executed and transmitted by the Governor and shall be in accordance with Article XII of the Atlantic States Marine Fisheries Compact and shall be effective as to this State with those states which similarly ratify this amendment. This amendment shall take effect as to this State with respect to such other of the aforesaid states as take similar action.

Amendments to compact to establish joint regulation of specific fisheries.

Notice of intention to withdraw from amendment.

Amendment #1 of the Atlantic States Marine Fisheries Compact

The states consenting to this amendment agree that any two or more of them may designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating states with respect to specific fisheries in which such states have a common interest. The representatives of such states on the Atlantic States Marine Fisheries Commission shall constitute a separate section of such commission for the exercise of the additional powers so granted *provided* that the states so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the states participating therein of any of their privileges or powers or responsibilities in the Atlantic States Marine Fisheries Commission under the general compact.

Amendment #1 of Atlantic States Marine Fisheries Compact.

Joint regulation of fishing operations in States consenting to amendment.

SEC. 3. In pursuance of Article III of said compact there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from the State of North Carolina. The first commissioner from the State of North Carolina shall be either the Director of the Department of Conservation and Development, the Chairman of the Committee on Commercial Fisheries, or the Commissioner of Commercial Fisheries of the State of North

North Carolina members of Commission.

First commissioner; term.

Carolina ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said office and his successor as commissioner shall be his successor as either the Director of the Department of Conservation and Development, the Chairman of the Committee on Commercial Fisheries, or the Commissioner of Commercial Fisheries, as the case may be. The second commissioner from the State of North Carolina shall be a legislator and member of the commission on interstate cooperation of the State of North Carolina, ex officio, designated by said commission on interstate cooperation, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold said legislative office or said office as commissioner on interstate cooperation, and his successor as commissioner shall be named in like manner. The Governor, (by and with the advice and consent of the senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be three years and he shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor, (by and with the advice and consent of the senate) for the unexpired term. The Director of the Department of Conservation and Development, the Chairman of the Committee on Commercial Fisheries, or the Commissioner of Commercial Fisheries appointed pursuant to Article III as ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, *provided* the said compact shall then have gone into effect in accordance with Article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said Article II.

Second commissioner; term.

Third commissioner; term.

Vacancy appointments.

Ex-officio member.

Removal from office.

Any commissioner may be removed from office by the Governor upon charges and after a hearing.

Powers of commission and commissioners.

SEC. 4. There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the State of North Carolina are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the State of North Carolina to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State Government or administration of the State of North Carolina are

Policy of State of North Carolina.

hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively.

Information provided by State agencies and departments.

SEC. 5. Any powers herein granted to the commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the State of North Carolina or by the laws of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, South Carolina, Georgia and Florida or by the congress or the terms of said compact.

Powers herein granted to commission declared supplemental.

SEC. 6. The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the legislature of the State of North Carolina on or before the tenth day of December in each year, setting forth in detail the transactions conducted by it during the twelve months preceding December 1st of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the Statutes of the State of North Carolina which may be necessary to carry out the intent and purposes of the compact between the signatory states.

Report of commission to State of North Carolina.

Recommendations for legislative action.

The comptroller of the State of North Carolina is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such comptroller may deem proper and to report the results of such examination to the governor of such state.

Examination of accounts and books of commission by comptroller of State.

SEC. 7. The sum of six hundred dollars (600.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the expenses of the commission created by the compact authorized by this Act. The moneys hereby appropriated shall be paid out of the State treasury on the audit and warrant of the comptroller upon vouchers certified by the chairman of the commission in the manner prescribed by law.

Appropriation by State.

SEC. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Partial invalidity section.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 399 CHAPTER 1087

AN ACT AUTHORIZING THE ESTABLISHING OF CITY LIQUOR CONTROL STORES IN THE CITY OF SALISBURY UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORES.

The General Assembly of North Carolina do enact:

City of Salisbury, election on question operation of liquor control stores.

SECTION 1. The City Council of the City of Salisbury shall, upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not city liquor control stores may be operated in the City of Salisbury

Effect of election results.

and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said city, but if a majority of the votes cast in said election shall be against the operation of city liquor control stores, no such stores shall be set up or operated in said city under provision of this Act.

Notice of election.

SEC. 2. In calling for such special liquor election, the said council shall give at least twenty days' public notice of the same

Registration.

prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registraton of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said

Form of ballots.

election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Liquor Control Stores," "Against City Liquor Control Stores." Those favoring setting up and operating liquor stores in the City of Salisbury shall mark in the voting square to the left of the words "For City Liquor Control Stores" printed on the ballot, and those opposed to city liquor control stores shall mark in the voting square to the left of the words "Against City Liquor Control Stores."

Conduct of election.

Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to election for members of the General Assembly. The cost of said election shall be paid from the General Fund of the City of Salisbury.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Liquor Control Stores," the city liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the city control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said City of Salisbury in force and effect prior to the authorization to operate city liquor stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Liquor Control Stores." No election shall be called and held in the City of Salisbury under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the City Council of the City of Salisbury to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or City of Salisbury general election or primary election, or within thirty (30) days of any such election.

Disposition of property.

Application of laws as to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of city liquor control stores is authorized under the provisions of this Act, the Mayor and City Council of the City of Salisbury shall immediately create a city board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The City of Salisbury Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the city and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the city.

Appointment of members; terms.

Successor and vacancy appointments.

Powers and duties of Board.

SEC. 5. The said City of Salisbury Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Stat-

Application of G. S. Ch. 18, Art. 3.

utes. The said City of Salisbury Board of Alcoholic Control and the operation of any city liquor stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include City of Salisbury Board of Alcoholic Control.

Allocation of net profits from liquor stores.

SEC. 6. Seventy-five per cent (75%) of the net profits derived from the operation of liquor control stores in the City of Salisbury shall be turned over to the city general fund and shall be subject to appropriation by the governing body of the city, which may appropriate any or all of said funds for any city governmental or public purpose, and twenty-five per cent (25%) of said net profits shall be paid into the General Fund of Rowan County and shall be subject to appropriation by the board of county commissioners, which may appropriate any or all of said funds for any county governmental or public purpose.

Powers of A.B.C. law enforcement officers.

SEC. 7. The law enforcement officers employed and appointed by the City of Salisbury Board of Alcoholic Control shall have the same powers and authorities within the County of Rowan as are conferred by Subsection (o) of G. S. 18-45 upon the officers employed and appointed by the various county boards of alcoholic control.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the County Board of Elections or the County Board of Commissioners shall call a county election on Alcoholic Beverage Control Stores, as now provided by law, within sixty days from the ratification of this Act. Such election may be called and held notwithstanding any provisions to the contrary contained in the last paragraph of G. S. 18-61.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 400 **CHAPTER 1088**

AN ACT AUTHORIZING THE ESTABLISHING OF TOWN LIQUOR CONTROL STORES IN THE TOWN OF EAST SPENCER UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORES.

The General Assembly of North Carolina do enact:

Town of East Spencer, election on question of operation of liquor control stores.

SECTION 1. The Board of Aldermen of the Town of East Spencer shall, upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not town liquor control stores may be operated in the Town of East Spencer and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of town liquor control stores, no such stores shall be set up or operated in said town under provision of this Act.

Effect of election results.

Notice of election.

SEC. 2. In calling for such special liquor election, the said board of aldermen shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Stores", "Against Town Liquor Control Stores". Those favoring setting up and operating liquor stores in the Town of East Spencer shall mark in the voting square to the left of the words "For Town Liquor Control Stores" printed on the ballot, and those opposed to town liquor control stores shall mark in the voting square to the left of the words "Against Town Liquor Control Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to election for members of the General Assembly. The cost of said election shall be paid from the General Fund of the Town of East Spencer.

Registration.

Form of ballot.

Conduct of election.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease

Disposition of property.

to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of East Spencer in force and effect prior to the authorization to operate town liquor stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores". No election shall be called and held in the Town of East Spencer under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of East Spencer to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of East Spencer general election or primary election, or within thirty (30) days of any such election.

Application of laws as to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the Town of East Spencer shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of East Spencer Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and governing body of the town.

Appointment of members; terms.

Successor and vacancy appointments.

Powers and duties of Board.

SEC. 5. The said Town of East Spencer Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said Town of East Spencer Board of Alcoholic Control and the operation of any town liquor stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word

Application of G. S. Ch. 18, Art. 3.

"County" Board of Alcoholic Control appears in said Article, it shall include Town of East Spencer Board of Alcoholic Control.

Allocation of net profits from liquor stores.

SEC. 6. Seventy-five per cent (75%) of the net profits derived from the operation of liquor control stores in the Town of East Spencer shall be turned over to the town general fund and shall be subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental or public purpose, and twenty-five per cent (25%) of said net profits shall be paid into the General Fund of Rowan County and shall be subject to appropriation by the board of county commissioners, which may appropriate any or all of said funds for any county governmental or public purpose.

Powers of A.B.C. law enforcement officers.

SEC. 7. The law enforcement officers employed and appointed by the Town of East Spencer Board of Alcoholic Control shall have the same powers and authorities within the County of Rowan as are conferred by Subsection (o) of G. S. 18-45 upon the officers employed and appointed by the various county boards of alcoholic control.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on alcoholic beverage control stores, as now provided by law, within sixty days from the ratification of this Act. Such election may be called and held notwithstanding any provisions to the contrary contained in the last paragraph of G. S. 18-61.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 405 CHAPTER 1089

AN ACT TO REPEAL AN ACT OF THE GENERAL ASSEMBLY OF 1949, RATIFIED MARCH 21, 1949, THE SAME HAVING BEEN SENATE BILL NO. 214, ENTITLED "AN ACT TO AMEND CHAPTER 239 OF THE PRIVATE LAWS OF 1905, RELATING TO THE TOWN OF HUDSON IN CALDWELL COUNTY."

The General Assembly of North Carolina do enact:

Ch. 426, Session Laws, 1949, relating to municipal elections, etc., Town of Hudson, repealed.

SECTION 1. Senate Bill No. 214, ratified March 21, 1949, an Act of the General Assembly of 1949, entitled "An Act to Amend Chapter 239 of the Private Laws of 1905, Relating to the Town of Hudson in Caldwell County" is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 401 CHAPTER 1090

AN ACT AUTHORIZING THE ESTABLISHING OF TOWN LIQUOR CONTROL STORES IN THE TOWN OF SPENCER UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORES.

The General Assembly of North Carolina do enact:

Town of Spencer, election on question of operation of liquor control stores.

SECTION 1. The Board of Aldermen of the Town of Spencer shall, upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not town liquor control stores may be operated in the Town of Spencer and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of town liquor control stores, no such stores shall be set up or operated in said town under provision of this Act.

Effect of election results.

Notice of election.

SEC. 2. In calling for such special liquor election, the said board of aldermen shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registra-

Registration.

tion of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Stores", "Against Town Liquor Control Stores". Those favoring setting up and operating liquor stores in the Town of Spencer shall mark in the voting square to the left of the words "For Town Liquor Control Stores" printed on the ballot, and those opposed to town liquor control stores shall mark in the voting square to the left of the words "Against Town Liquor Control Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to election for members of the General Assembly. The costs of said election shall be paid from the General Fund of the Town of Spencer.

Form of ballot.

Conduct of election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Spencer in force and effect prior to the authorization to operate town liquor stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores". No election shall be called and held in the Town of Spencer under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Spencer to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Spencer General Election or Primary Election, or within thirty (30) days of any such election.

Closing of stores by majority vote in subsequent election.

Disposition of property.

Application of laws as to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

SEC. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the Town of Spencer shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Spencer Board of Alcoholic

Creation of Board of Alcoholic Control.

Appointment of members; terms.

Control". The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Successor and vacancy appointments.

Powers and duties of Board.

SEC. 5. The said Town of Spencer Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said Town of Spencer Board of Alcoholic Control and the operation of any town liquor stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Spencer Board of Alcoholic Control.

Application of G. S. Ch. 18, Art. 3.

Allocation of net profits from liquor stores.

SEC. 6. Seventy-five per cent (75%) of the net profits derived from the operation of liquor control stores in the Town of Spencer shall be turned over to the town general fund and shall be subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental or public purpose, and twenty-five per cent (25%) of said net profits shall be paid into the General Fund of Rowan County and shall be subject to appropriation by the board of county commissioners, which may appropriate any or all of said funds for any county governmental or public purpose.

Powers of A.B.C. law enforcement officers.

SEC. 7. The law enforcement officers employed and appointed by the Town of Spencer Board of Alcoholic Control shall have the same powers and authorities within the County of Rowan as are conferred by Subsection (o) of G. S. 18-45 upon the officers employed and appointed by the various county boards of alcoholic control.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the County Board of Elections or the County Board of Commissioners shall call a county election on Alcoholic Beverage Control stores, as now provided by law, within sixty days from the ratification of this Act. Such election may be called and held notwithstanding any provisions to the contrary contained in the last paragraph of G. S. 18-61.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 322 CHAPTER 1091

AN ACT RELATING TO THE APPOINTMENT OF JUSTICES OF THE PEACE AND ABOLISHING THE FEE SYSTEM IN SAID OFFICES.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of any county in the State, upon the adoption of a resolution on the first Monday in March, 1950, or any even numbered year thereafter, shall, for the term beginning the first Monday in December thereafter, fix the number of justices of the peace to be appointed in such county, taking into consideration the population, the business then being transacted by justices of the peace in such county and the future business as may be reasonably anticipated, and having due regard for all other factors to the end that a sufficient number of justices of the peace are appointed to serve adequately the needs of the county and the various localities therein. Determination by county commissioners of number of justices of peace to be appointed in county.

SEC. 2. Appointment and Removal by the Resident Judge. The justices of the peace for each county adopting this Act shall be appointed by the Resident Judge of the Superior Court of the district in which the county is situated. Any justice of the peace may, after due notice and hearing, be removed from office by such resident judge for misfeasance, malfeasance, nonfeasance or other good cause. Appointment and removal by resident judge.

SEC. 3. Term of Office. The term of office of every justice of the peace appointed pursuant to this Act shall be two years. The term shall commence on the first Monday in December, 1950, and biennially thereafter. Term of office.

SEC. 4. Salaries and Fees. Each justice of the peace shall be paid an annual salary, to be fixed by the board of county commissioners, in its discretion, to be paid out of the general fund of the county. Such salary shall be in lieu of all fees as compensation for a justice of the peace in connection with any criminal or civil case, but he shall continue to collect such fees as are provided by law with respect to criminal or civil cases and pay them into the general fund of the county. Each such justice of the peace shall be permitted to collect and retain for his own Salaries and fees.

Payment of certain fees into general fund of county.

use, in addition to the salary fixed by the county board of commissioners, all fees provided by law with respect to any matter other than a criminal or a civil case.

Deposits and reports.

Subject to Daily Deposit Law.

SEC. 5. Deposits and Reports. Every justice of the peace appointed pursuant to this Act shall be subject to the provisions of G. S. 153-135, known as the "Daily Deposit Law", and shall also make monthly reports to the board of county commissioners, showing in full detail all fees, fines and forfeitures collected by him, in such form and manner as the board may require.

Jurisdiction and places for holding court.

SEC. 6. Jurisdiction and Places for Holding Court. Every justice of the peace shall have countywide jurisdiction, but the board of commissioners shall designate the place or places where each justice of the peace shall sit regularly for the transaction of business, which place shall be so designated as to serve reasonably the convenience of the citizens of the county. The board of county commissioners shall provide adequate space or quarters, either in county buildings, or through renting appropriate space, or otherwise, in which each justice of the peace may hold court and perform the other duties of his office.

Vacancies.

SEC. 7. Vacancies. Any vacancy other than a vacancy arising by expiration of a term shall be filled by appointment by the Clerk of the Superior Court of the county in which such vacancy occurs.

Expiration of terms of office of present justices of peace.

Transfer of pending cases.

SEC. 8. In those counties accepting the provisions of this Act, the terms of all persons holding the office of justice of the peace, other than those appointed pursuant to this Act, shall expire on the first Monday after the adoption of the provisions of this Act, and any case or proceeding pending on such date before any justice of the peace shall be transferred to a justice of the peace appointed pursuant to this Act, in such manner as may be directed by the board of county commissioners.

Bond.

Payment of premium.

SEC. 9. Bond. Every justice of the peace appointed pursuant to this Act, prior to assuming the duties of his office, shall furnish a bond payable to the county in and for which he is appointed, in such amount as the board of commissioners may determine, conditioned upon the faithful performance of his duties and upon a correct and proper accounting for all funds paid into his hands by virtue of or under color of his office. The premium on such bond shall be paid by the board of county commissioners out of the general fund of the county.

Counties exempt from application of Act.

SEC. 10. That this Act shall not apply to the counties of Alamance, Alexander, Alleghany, Ashe, Avery, Beaufort, Bertie, Brunswick, Cabarrus, Carteret, Caswell, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davie, Davidson, Duplin, Durham, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Hyde, Jackson, Johnston, Lee, Lincoln, Macon, Madison, Martin, McDowell, Mitchell,

Moore, Nash, Northampton, Pamlico, Pitt, Polk, Randolph, Richmond, Robeson, Rutherford, Sampson, Surry, Swain, Transylvania, Tyrrell, Union, Wake, Washington, Watauga, Wayne, Wilkes, Wilson, Yadkin, Yancey, Rockingham, Catawba, Caldwell, New Hanover, Scotland, Warren, Person, Jones, and Sampson.

SEC. 11. G. S. 7-113, the last two sentences of G. S. 7-114, and G. S. 7-115, and all other laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 12. This Act shall become effective November 1, 1950. Effective date.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 515 CHAPTER 1092

AN ACT TO AMEND G. S. 7-51 RELATING TO SALARIES OF RETIRED JUDGES OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 7-51 is hereby amended by inserting after the semicolon between the words "monthly" and "provided" in line 27 of said Section, as the same appears in the 1947 Cumulative Supplement to the General Statutes of North Carolina, the following: G. S. 7-51, salaries of retired judges of superior court, amended.

"in addition to the retirement pay provided in this Section, each retired regular or special judge of the Superior Court shall be paid by the State fifty dollars ($50.00) for each week of any regular term of court held by such retired judge, together with his actual expenses." Compensation for regular term of court held by retired judge.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 704 CHAPTER 1093

AN ACT TO AMEND CHAPTER 706 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF 1913, AS AMENDED, RELATING TO THE CITY COURT OF RALEIGH.

The General Assembly of North Carolina do enact:

Ch. 706, Public-Local Laws, 1913, relating to City Court of Raleigh, amended.

SECTION 1. That Chapter 706 of the Public-Local Laws of North Carolina, 1913, as amended by Chapter 353 of the Public-Local Laws of 1915, and as amended by subsequently enacted laws relating to the City Court of Raleigh, is hereby further amended by striking out each and every Section of the said law, as amended, following Section 1 thereof, and by inserting in lieu thereof the following corresponding Sections, which are hereby rewritten to read as follows:

Jurisdiction of court.

"SEC. 2. Jurisdiction. The City Court of Raleigh, created by Chapter 706 of the Public-Local Laws of 1913, as amended by Chapter 353 of the Public-Local Laws of 1915, shall have jurisdiction as follows:

Violations of provisions of city charter, ordinances, etc.

"(a) With exclusive jurisdiction over all offenses arising from the violation of the provisions of the Charter of the City of Raleigh, or of all violations of ordinances, bylaws, rules and regulations of the Governing Body of the City of Raleigh, made in pursuance of said charter, within the corporate limits of the City of Raleigh and within Raleigh Township.

Offenses within jurisdiction of Justices of the Peace.

"(b) With jurisdiction, power, and authority which is now or may hereafter be given to justices of the peace for the trial and determination of criminal cases.

Criminal offenses below grade of felony.

"(c) With jurisdiction, power, and authority for the trial and determination of all other criminal offenses created by the laws of the State of North Carolina committed within the corporate limits of the City of Raleigh and within Raleigh Township below the grade of felony as defined by law, and all such offenses committed within said city and township are hereby declared to be petty misdemeanors.

Civil jurisdiction.

"(d) Said court shall have concurrent jurisdiction and powers in all civil matters which are now or may hereafter be given to justices of the peace, and in addition to the jurisdiction conferred by this Section it shall have concurrent original jurisdiction with the Superior Court of all other civil actions arising out of contract where the sum demanded does not exceed the sum of five hundred dollars ($500.00) and those arising out of tort where the value of the property or the amount in controversy does not exceed the sum of five hundred dollars ($500.00); *provided,* the title to real estate shall not be in controversy; *provided further,* that the original process of this court shall not run out of Wake County when the amount in controversy is less than two hundred dollars ($200.00).

"SEC. 3. Summons and process generally. All civil actions shall be commenced in said court by summons, in which the cause of action need not be set out, signed and issued by the clerk of said court, and said summons shall command the officer to summon the defendant to appear before the Judge of the City Court of Raleigh on a day named in the summons, to answer the complaint of the plaintiff. The number of days within which the defendant is summoned to appear shall in no case be less than ten, exclusive of the day of service. The summons shall run in the name of the State of North Carolina and be addressed to the Chief of Police or any other lawful officer of the City of Raleigh or to the sheriff or any other lawful officer of any county in the State of North Carolina. The officer to whom the summons is addressed shall note on it the day of its delivery to him; and, if required by the plaintiff, he shall execute the same immediately. When executed, he shall immediately return the summons, with the date and manner of its execution, by mail or otherwise, to the clerk of this court. The plaintiff shall file his complaint with a copy of the same in all cases with the clerk of the court at the time of the issuing of the summons.

Summons and other process.

Institution of civil actions.

Time within which to file answer.

Return of summons.

"SEC. 4. Right of plaintiff to elect between city and other courts; procedure. In all civil actions and matters where this court has jurisdiction and where a justice of the peace does not have jurisdiction, the plaintiff in such action may bring an original suit either in the City Court of Raleigh as prescribed in this Act or in the Superior Court of Wake County, at his election. The procedure in said court shall, so far as practicable, conform to the procedure in the Superior Courts of the State.

Right of plaintiff to elect between city and other courts; procedure.

"SEC. 5. Effect of judgments; docketing; executions. All judgments in civil actions rendered by the Judge of the City Court of Raleigh shall have the same force and effect as judgments of the justices of the peace, but no judgment of the City Court of Raleigh shall be a lien upon land until docketed in the office of the Clerk of the Superior Court of Wake County. Executions shall issue from the City Court of Raleigh when not to run against land. All judgments of this court may be docketed in the office of the Clerk of the Superior Court of Wake County in like manner and with like effect as judgments of justices of the peace.

Effect of judgments; docketing; executions.

"SEC. 6. (a) Jury trials in civil cases. The plaintiff or the defendant in civil actions in this court shall, upon demand before trial, be entitled to a trial of the cause by a jury of six men, upon depositing with the clerk of said court six dollars ($6.00) in all cases; the said jurors to be drawn as hereinafter provided. The Governing Body of the City af Raleigh shall prepare a jury box and a list of the qualified voters of Raleigh Township qualified to serve as jurors as now provided by law for the Superior Court, and turn said box and list of jurors over to said court, which box shall have two compartments as now provided by law

Jury trials in civil cases.

Jury box.

for the jury box, and the Judge of the City Court of Raleigh shall have custody of the only key to the side of the box containing the list of qualified jurors who have not been drawn out or served, and the clerk of said court shall have custody of the only key to the other side of the box. Such jurors shall be drawn in open court by a child not over ten years of age, and the list given to the Chief of Police of the City of Raleigh and served by him or by a policeman or policemen of the City of Raleigh or by any officer duly authorized by law, and the case shall be set for trial at a time fixed by the court, giving the chief of police or the officer serving the same sufficient time to serve such jurors. The number of jurors drawn in each case where a jury is demanded in a civil case shall be twelve. The jury list shall be revised by the Governing Body of the City of Raleigh every two years, as now provided by law for the jury lists of the Superior Courts; *provided further*, that by consent of all parties to any action a jury may be summoned without being drawn from the box. A jury fee of six dollars ($6.00) shall be taxed against the losing party as part of the costs. Each juror chosen to serve in any case shall be entitled to a fee of one dollar ($1.00). The plaintiff and the defendant shall each have the right to challenge peremptorily two jurors, and others for cause as now allowed by law in the Superior Court.

Drawing of jurors.

Revision of jury list.

Jury fee taxed as part of cost.

Fees of jurors.

Preliminary examinations; commitments.

"SEC. 7. Preliminary examinations; commitments. In all other criminal matters and offenses committed in the City of Raleigh and/or in Raleigh Township, wherein said court has not final jurisdiction, it shall have jurisdiction, and is hereby fully authorized to examine into the same, and, upon probable cause being shown, to bind the defendant over to the Superior Court of Wake County; or, if the crime charged be a capital offense, to commit said defendant to jail, as is now provided by law in courts of justices of the peace.

Jurisdiction of proceedings to recover forfeitures or penalties; recovery of forfeited bail bonds, etc.

"SEC. 8. Jurisdiction of proceedings to recover forfeitures or penalties; recovery of forfeited bail bonds, etc. Said court shall have jurisdiction to try and determine all actions and proceedings for the recovery of any forfeiture or penalty and for the recovery of any forfeited bail bond, recognizance, or peace bond; to enforce the collections of same by such executions or orders as are provided by law for Superior Courts, together with jurisdiction to issue all necessary notices, orders, or other process as may be required by law.

To whom process shall issue.

"SEC. 9. To whom process shall issue. The process of said city court shall be issued to the Chief of Police of the City of Raleigh, the city police, or to the Sheriff, Constable, or other lawful officer of the County of Wake, or other county in the State, and such process when attested by the seal of the city court shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law.

"SEC. 10. Power and authority of judge; binding defendants over for appearance before city court. The judge of the city court shall have jurisdiction, power, and authority to hear, determine, and give judgment in all cases tried before him of which the city court is given jurisdiction; to impose fines, penalties, and forfeitures; to sentence any person convicted in the city court for offenses within the jurisdiction of said court to work on the county roads of Wake County, or to imprisonment in the county jail, county workhouse, or city jail, or to any other places of confinement where convicted persons may be sentenced by law; in event a defendant shall not pay a fine or cost or penalty adjudged against him by the city court, the judge of the city court shall have power and authority to sentence such person in such event to work on the county roads of Wake County or to imprisonment in the workhouse or common jail of said county, or to imprisonment in the city guardhouse, to be worked on the streets or other public works of the City of Raleigh.

Power and authority of judge.

"And it shall be mandatory upon all magistrates and justices of the peace within the City of Raleigh and Raleigh Township, whenever probable cause is found against a defendant charged with any criminal offense created by the laws of the State of North Carolina, committed within the corporate limits of the City of Raleigh and within Raleigh Township, below the grade of felony as defined by law, to bind over said defendants under proper bond for their appearance and trial before the Judge of the City Court of Raleigh.

Preliminary hearings before justices of the peace.

"SEC. 11. Force of judgments; manner of enforcement. The judgments, orders, and decrees rendered by the judge of the city court under the provisions of this Act, or any law of the State of North Carolina, shall have all force, virtue, and validity of judgments rendered by Superior Courts under the laws of the State of North Carolina, and may be enforced and executed against all parties in the County of Wake or elsewhere in the State of North Carolina, in the same manner and by the same process.

Force of judgments; manner of enforcement.

"SEC. 12. Appeals. All defendants shall have the right of appeal from the judgments or sentences of the City Court of Raleigh to the Superior Court of Wake County under the same provisions of law that govern appeals from inferior courts or from a justice of the peace court. A defendant may withdraw his appeal from a judgment of the city court to the Superior Court at any time before the papers in his case are actually transmitted to said Superior Court; in event such appeal is withdrawn, the city court may proceed to execute its judgment.

Appeals.

"SEC. 13. Court to be open at all times; sessions; power of judge to issue writs and warrants. The City Court of Raleigh shall be open at all times for the dispatch of business; and the judge thereof, if the business requires, shall hold daily sessions

Court to be open at all times; sessions.

Power of judge to issue writs and warrants.

at the municipal building or other suitable place in the City of Raleigh. The judge shall have power and authority to issue all writs and warrants which shall be made returnable to the city court, and all commitments or other processes.

Prosecuting attorney; clerk of court; assistant clerks.

"SEC. 14. Prosecuting attorney; clerk of city court; assistant clerks. The Governing Body of the City of Raleigh shall elect a prosecuting attorney, who shall be an elector and a practicing attorney in the City of Raleigh, and a clerk of said court, who shall be an elector of the City of Raleigh, and after having qualified as required by law the said clerk of the city court, by and with the consent and approval of the Governing Body of the City of Raleigh, may appoint one or more Assistant Clerks of the City Court of Raleigh, who before entering upon his or her duties shall take and subscribe the oath prescribed for the said clerk. Upon compliance with the provisions of this Section such assistant clerk or clerks shall be as fully authorized and empowered to perform all the duties and functions of the office of the Clerk of the City Court of Raleigh as the clerk himself, and all the acts, orders and judgments of such assistant clerk or clerks shall be subject in all respects to all laws which apply to the clerk of said court. The Clerk of the City Court of Raleigh shall be held responsible for the acts of his assistant clerk or clerks and the official bond of the said clerk as now provided by law shall be written to and shall cover the acts of his assistant clerk or clerks. All of the assistant clerks herein provided for shall be under the supervision and control of the clerk of said court, subject to the ultimate control of the Governing Body of the City of Raleigh. For any reason satisfactory to himself the clerk of said court is hereby empowered to suspend, remove or discharge any assistant clerk or clerks herein provided for; *provided*, that any assistant clerk or clerks herein provided for shall have the right at any time within three days from the time of such suspension, removal or discharge to appeal to the Governing Body of the City of Raleigh, who shall hear the same at their first regular meeting after such appeal is taken and may affirm or reverse the said clerk. If the action of the clerk be reversed said assistant clerk or clerks shall be at once reinstated in office; *provided, further*, the party so suspended, removed or discharged shall have no claim against the city for the time lost by reason of such action of the clerk. The duties of said prosecuting attorney shall be to see to it that all proper processes are issued for the proper apprehension and trial of all violators of the law in the City of Raleigh and Raleigh Township and to represent the State of North Carolina in the trial of all criminal actions before said court and to faithfully and diligently prosecute the same. The salary of the said prosecuting attorney shall be such amount as shall be fixed from time to time by the Governing Body of the City of Raleigh, and shall be paid by the City of Raleigh. The Prosecuting Attorney of the City Court of Raleigh shall not, by reason of his office, be prohibited from

Powers and duties of assistant clerks.

Supervision of assistant clerks.

Power of clerk to suspend or remove assistant.

Right of appeal from order of suspension or removal.

Hearing; results.

Duties of prosecuting attorney.

Salary of prosecuting attorney.

Right of prosecuting attorney to practice law.

practicing the profession of an attorney at law in the courts of North Carolina except as to matters connected with or growing out of the City Court of Raleigh. The duties of said clerk shall be to provide at the expense of the City of Raleigh and keep a permanent docket or dockets for recording, and he shall record, all process, civil and criminal, issued by said court and the return of the same or other action thereon, and the disposition of all causes, including judgments, orders, and decrees, which shall conform to the dockets kept by the Clerk of the Superior Court. He shall also provide at the expense of the City of Raleigh proper files to properly keep and he shall therein keep records of all causes which shall be disposed of in said court or commenced therein and show what disposition has been made of them. He shall receive and collect all fines, costs, penalties, and forfeitures imposed by the Judge of the City Court of the City of Raleigh and keep a true record thereof and account for and pay over the same to the proper officials as provided by law. The Clerk of the City Court of Raleigh shall receive and deposit to the credit of the City Court of Raleigh, in a bank or trust company approved by the Governing Body of the City of Raleigh as a depository of funds belonging to the city, all funds collected by the clerk of the city court by virtue of his office, and he shall make lawful disbursement of such funds without the necessity of any signature of any official of the City of Raleigh unless specifically required by resolution adopted by the Governing Body of the City of Raleigh; and the clerk of the city court shall disburse and pay over to the Treasurer of the City of Raleigh, at such intervals as may be required by the Governing Body of the City of Raleigh, all fees and other moneys collected by the said clerk required by law to be paid to the City of Raleigh. All records of the clerk shall be open to the public. Before entering upon the duties of his office as clerk of said court, and annually on or before the first day of each fiscal year, he shall furnish to the city a bond with good and sufficient sureties, to be approved by the Governing Body of the City of Raleigh, in such sum as may be required by the Governing Body of the City of Raleigh, for the true and faithful performance of his duties as clerk, and for the faithful accounting for all moneys which may come into his hands as such, and which bond shall be subject to the Charter of the City of Raleigh relating to bonds of public officials. The said clerk shall have concurrent power and authority with the judge of said court to sign all criminal warrants issuing out of said court. The salary of said clerk shall be fixed by the Governing Body of the City of Raleigh. The prosecuting attorney and the clerk of the city court shall hold their respective offices and serve at the pleasure of the Governing Body of the City of Raleigh. The Clerk and the Chief of Police of the City of Raleigh shall have the power and authority to take appearance bonds for defendants in criminal actions or witnesses therein in such amount or amounts as may be fixed by the court. The said clerk shall have an office in the municipal building of the City

Duties of clerk.

Bond required of clerk.

Salary of clerk.

Terms of prosecuting attorney and clerk.

Authority of Clerk and Chief of Police to take appearance bonds.

Office of clerk; hours.

of Raleigh, which said office shall be opened every day in the year, Sundays excepted, from nine o'clock A. M. until five P. M.; excepting also holidays fixed by city council, and Saturday afternoons.

City court a court of record; seal.

"SEC. 15. City court a court of record; seal. The City Court of Raleigh shall be a court of record, and shall have a seal with the inscription "The City Court of Raleigh", which seal shall be used in attesting all writs, warrants, summons, process, acts, judgments, or decrees of said court in the same manner and to the same effect as the seal of other courts in the State of North Carolina.

Qualifications of judge.

"SEC. 16. Qualifications of judge; election; term of office; oath; compensation. The city court shall be presided over by a judge, who shall be an attorney learned in the law, of good moral character, and who shall be at the time of his election and qualification an elector in and for the City of Raleigh. The judge shall be elected by the qualified voters of the city at the same time and in the same manner as the members of the governing body of said city is elected. He shall hold office for four years and until his successor is elected and qualified. Before entering upon the duties of his office he shall take and subscribe such oath of office as is now provided by law for Judges of the Superior Court, which shall be recorded by the clerk of the city court. The Judge of the City Court of Raleigh shall be paid by the City of Raleigh a salary of five thousand dollars ($5,000.00) per annum, payable in equal monthly or semimonthly installments.

Election of judge.

Term of office.

Oath.

Salary.

Right of judge to practice law.

"SEC. 17. Right of judge to practice law. The Judge of the City Court of Raleigh shall not by reason of his office be prohibited from practicing the profession of an attorney at law in the courts of North Carolina, except as to matters connected with or growing out of the City Court of Raleigh.

Substitute judges.

"SEC. 18. Substitute judges. The Governing Body of the City of Raleigh shall appoint a Substitute Judge of the City Court of Raleigh, and may appoint an additional Substitute Judge of the City Court of Raleigh in the event that the appointment of such additional substitute judge shall be considered expedient in the discretion of the governing body. Each Substitute Judge of the City Court of Raleigh shall hold office and serve at the pleasure of the Governing Body of the City of Raleigh. Each substitute judge shall have the same qualifications and before entering upon his office shall take the same oath and be subject to the same rules as the regular judge of the city court. One of the substitute judges, to be assigned by the regular Judge of the City Court of Raleigh, shall preside at all hearings and try all cases and actions in said court when the judge shall be absent by reason of sickness or other good cause. Whenever the judge of the city court shall be a party to any action to be tried in the said court, the Mayor of the City of Raleigh shall assign

Term of office.

Qualification; oath.

Duties of substitute judge.

one of the substitute judges appointed by the Governing Body of the City of Raleigh to hear and determine the case. For each and every day or part thereof that each substitute judge shall preside over the sessions of the City Court of Raleigh on account of the absence of the judge of the city court, for cause, as hereinafter defined, the substitute judge shall receive from the City of Raleigh per diem compensation at a rate equal to one-twentieth of the monthly salary of the regular judge; *provided, however*, that absence of the regular judge for cause within the meaning of this Section shall mean and include only (a) absence due to illness of the regular judge, or due to the inability of the regular judge to hold court resulting from other providential cause; *provided*, that any absence on account of illness shall not exceed an aggregate of ten days in any one fiscal year, unless during a preceding fiscal year of a particular term the full number of ten days shall not have been taken on account of illness, in which case, unused sick leave shall be cumulative to an aggregate of forty days during a particular term; (b) absence due to vacation taken by the regular judge not exceeding twelve days per year (Sundays excluded); (c) absence due to the regular judge's attendance upon any conference or meeting of judicial or law officers held for the purpose of considering, studying, or exchanging information relating to means and methods of improving the administration of justice, but only if the governing body of the city shall have, in advance, authorized the regular judge to attend the same. A substitute judge may serve instead of the regular judge on other occasions, but in such event shall be paid by the regular judge himself and shall not be paid therefor by the City of Raleigh.

Compensation.

"SEC. 19. Costs and fees. The costs and fees adjudged in all criminal actions in said city court shall be as follows:

Costs and fees in criminal actions.

Affidavit and warrant	$1.00
Conveying prisoner to jail	2.00
Turnkey fee	.25
Subpoena, each name	.15
Recognizance, without surety	.25
Recognizance, with surety	.60
Motion	.25
Continuance	.30
Order	.30
Judgment, including docketing, indexing and recording	1.85
Commitment	.20
Appeal to Superior Court	2.00
Prosecuting attorney's fee	2.00
Judgment nisi, or sci. fa., each	.25
Capias, issuing	.50

Meals (actual cost)

Seal	$ .50
Report to State	.50
Preparing bill of costs	.25

Officers' fees.

Officers fees:

Arrest	1.00
Subpoena, serving, each name	.50
Seizing property	1.00
Serving sci. fa.	.50

Disposition of fees collected.

"All fees collected by said court due to sheriffs or constables shall be paid to them, but all fees that are collected by the clerk of said court or by police officers for services performed by them shall be paid into the city treasury.

Fees in civil actions.

"In all civil actions the same fees and costs shall be collected as are now or may hereafter be prescribed in the Superior Court in like cases, in so far as applicable.

Disposition of fees; payment of expenses.

"SEC. 20. Disposition of fees; payment of expenses; taxing bills of costs. All fees collected in the City Court of Raleigh shall be paid into the Treasury of the City of Raleigh, and the expenses of said court shall be paid monthly by said city; *provided*, that the clerk of the city court shall deposit such fees in a bank or trust company approved as a depository by the Governing Body of the City of Raleigh, and make payments to the City of Raleigh from time to time, as hereinbefore provided for.

Taxing bills of cost.

The judge shall have full power as to taxing bills of costs and the respective items thereof under the rules of practice obtaining in the Superior Court in respect to such matters.

Dockets, files and records.

"SEC. 21. Dockets, files and records. There shall be dockets, files and records of all proceedings in said court conforming as nearly as possible to the records of the proceedings in the Superior Court.

Officers of court.

"SEC. 22. Officers of the court; compensation of chief of police. The Chief of Police and the other police officers of the City of Raleigh, without any compensation in addition to that fixed by the Governing Body of the City of Raleigh, shall be the officers of said court, and the chief, or his substitute designated by him, shall attend every session of said court and shall see that all warrants, summons, subpoenas, and other processes of the court addressed to them are served promptly, and shall keep a record of the same."

Construction of Act.

SEC. 2. That nothing in this Act shall be construed to repeal Section 1 of Chapter 706 of the Public-Local Laws, 1913, as amended by Chapter 353 of the Public-Local Laws, 1915, which statute as amended created the City Court of Raleigh.

Partial invalidity section.

SEC. 3. Partial invalidity Section. If any clause, sentence, paragraph, Subsection, Section, or any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part thereof directly involved in said judgment. If any part or clause of this Act shall be declared unconstitutional, and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such preexisting laws shall continue and remain in effect, notwithstanding any repealing clause contained herein.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1112 CHAPTER 1094

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF PENDER COUNTY TO EXPEND SURPLUS FUNDS TO DEFRAY THE COSTS OF REVALUATION.

The General Assembly of North Carolina do enact:

Pender County, payment of cost of re-valuation and reassessment.

SECTION 1. The Board of Commissioners of Pender County is hereby authorized and empowered, in its discretion, to appropriate and expend any unencumbered surplus funds on hand at the close of the fiscal year 1948-1949 and at the close of the fiscal year 1949-1950 toward defraying the costs of revaluation and reassessment of taxable property in Pender County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1135 CHAPTER 1095

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF DUNN TO TURN INTO THE GENERAL FUND ALL DELINQUENT TAXES FOR THE YEAR 1947 AND PRIOR YEARS WHICH MAY BE NOW COLLECTED.

The General Assembly of North Carolina do enact:

Town of Dunn, delinquent tax collections payable to general fund.

SECTION 1. The Board of Commissioners of the Town of Dunn is hereby authorized and empowered, in its discretion, to turn into the General Fund of the Town of Dunn the proceeds of all uncollected taxes which may hereafter be collected for the year 1947 and all prior years.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1136 CHAPTER 1096

AN ACT TO BAR COLLECTION OF TAXES BY THE CITY OF DUNN AT THE EXPIRATION OF FIVE YEARS FROM DUE DATE.

The General Assembly of North Carolina do enact:

Town of Dunn.

Time limitation on tax foreclosures.

SECTION 1. No action shall be maintained by the City of Dunn in Harnett County to enforce any remedy provided by law for the collection of taxes or the enforcement of any tax liens held by the City of Dunn whether such taxes or tax liens are evidenced by original tax books or tax sales certificates unless such action shall be instituted within five (5) years from the time such taxes became due, or if payable in installments, five (5) years from the due date of each installment.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after October 1, 1950.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1137 CHAPTER 1097

AN ACT TO AMEND H. B. NO. 763 RELATING TO THE TRANSFER FOR DELINQUENT TAXES IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. H. B. No. 763 is amended by adding at the end of Section 1 the following: "The provisions of this Act shall not apply to any taxes delinquent or otherwise which have been, or which may hereafter be, collected by virtue of any special tax levy in any school district in Harnett County authorized by the voters within such district in an election."

Ch. 487, Session Laws, 1949, relating to transfer of delinquent taxes, Harnett County, amended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1147 CHAPTER 1098

AN ACT AUTHORIZING AND DIRECTING THE WAKE COUNTY BOARD OF ALCOHOLIC CONTROL TO PRORATE AND DISTRIBUTE TO ALL OF THE INCORPORATED MUNICIPALITIES IN WAKE COUNTY A PERCENTAGE OF THE PROFITS FROM SUCH STORES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Wake County Board of Alcoholic Control is hereby authorized and directed to allocate and to pay over quarterly to all of the municipal corporations located in Wake County, according to the relative proportions hereinafter prescribed, a gross sum not less than twenty-seven per cent (27%) of the amount of the net profits resulting from the operation of all alcoholic beverage control stores operated by the Wake County Board of Alcoholic Control, and the said amount equal to twenty-seven per cent (27%) of the net profits resulting from the operation of all alcoholic beverage control stores operated by the Wake County Board of Alcoholic Control shall be allocated, prorated, and paid quarterly to each of the respective incorporated municipalities located within Wake County according to the percentage ratio that the assessed valuations for ad valorem tax purposes within each such municipality bears to the total assessed valuations for ad valorem tax purposes within all of the said municipalities for each calendar year within which each fiscal year begins, according to the ad valorem tax records

Wake County Board of Alcoholic Control, allocation of percentage of net profits to incorporated municipalities.

Determination of amount payable to each municipality.

of the respective municipalities, as certified under oath to the Wake County Board of Alcoholic Control by the respective mayors of such municipalities; and the funds paid to the various municipalities pursuant to the provisions of this Act may be appropriated and expended by each such such municipality for any lawful public purpose as authorized and directed by its governing body.

Expenditure of funds by municipality.

Ch. 355, Session Laws, 1947, and other conflicting laws repealed.

SEC. 2. That Chapter 355 of the Session Laws of North Carolina, 1947 and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Application of Act.

SEC. 3. That this Act shall apply only to Wake County and the municipalities in Wake County.

Effective date.

SEC. 4. That this Act shall be in full force and effect on and after the first day of July, 1949.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1161 CHAPTER 1099

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TERMS OF SUPERIOR COURT IN LENOIR COUNTY IN THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. The portion of Section 7-70 of the General Statutes of North Carolina fixing the terms of Superior Court in Lenoir County in the Sixth Judicial District is hereby rewritten to read as follows:

Lenoir County, terms of Superior Court.

"Lenoir County—Sixth Monday before the first Monday in March, to continue for one week, for the trial of criminal cases; second Monday before the first Monday in March, to continue for one week, for the trial of civil cases only; first Monday before the first Monday in March for the trial of civil cases only; second Monday after the first Monday in March, to continue for one week for the trial of criminal or civil cases or both; the Governor is hereby directed to appoint and assign a judge to hold the said term from among the regular or special Superior Court Judges of North Carolina; seventh Monday after the first Monday in March, to continue for one week for the trial of criminal cases or civil cases, or both; tenth Monday after the first Monday in March, to continue for one week for the trial of civil cases only; eleventh Monday after the first Monday in March to continue for one week, for the trial of civil cases only; fourteenth Monday after the first Monday in March, to continue for one week for the trial of civil cases only; fifteenth Monday

Lenoir County, terms of Superior Court (cont'd).

after the first Monday in March, to continue for one week, for the trial of civil cases only; sixteenth Monday after the first Monday in March, to continue for one week, for the trial of criminal cases only; second Monday before the first Monday in September, to continue for one week, for the trial of criminal cases only; first Monday after the first Monday in September, to continue for one week for the trial of criminal cases or civil cases, or both; the Governor is hereby directed to appoint and assign a judge to hold the said term from among the regular or special judges of the State of North Carolina; third Monday after the first Monday in September, to continue for one week for the trial of civil cases only; eighth Monday after the first Monday in September, to continue for one week for the trial of criminal cases or civil cases or both; the Governor is hereby directed to appoint and assign a judge to hold the said term from among the regular or special Superior Court Judges of North Carolina; ninth Monday after the first Monday in September, to continue for one week, for the trial of civil cases only; tenth Monday after the first Monday in September, to continue for one week, for the trial of civil cases only; twelfth Monday after the first Monday in September, to continue for one week for the trial of criminal cases or civil cases or both; the Governor is hereby directed to appoint and assign a judge to hold the said term from among the regular or special judges of the State of North Carolina.

Jurisdiction of civil matters at criminal terms.

"At all criminal terms of the Superior Court in the County of Lenoir, uncontested divorce cases may be tried and the court may hear and determine all motions in civil matters not requiring a jury, and make any order, judgment or decree respecting the confirmation of judicial sales."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1170 CHAPTER 1100

AN ACT TO AMEND CHAPTER 542 OF THE PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE DARE COUNTY COMMUNITY CENTER.

The General Assembly of North Carolina do enact:

Ch. 542, Public-Local Laws, 1939, amended.

SECTION 1. Section 4 of Chapter 542 of the Public-Local Laws of 1939 is rewritten to read as follows:

Dare County Community Center, powers and duties of Board of Trustees.

"SEC. 4. The Board of Trustees of the Dare County Community Center shall have full power and authority to acquire by purchase, gift, or otherwise, lands, property or equipment for the purpose of carrying out the provisions of this Act, and to control, manage and operate its buildings and grounds, and to make any rules and regulations necessary for the proper administration of the Dare County Community Center and for the purpose of carrying out the provisions of this Act."

Payment of outstanding mortgage.

SEC. 2. The Board of County Commissioners of Dare County is authorized, in its discretion, to pay off and satisfy in full a certain mortgage now outstanding against the property now owned by the Board of Trustees of the Dare County Community Center.

Trustees prohibited to encumber or convey property.

SEC. 3. The Board of Trustees of the Dare County Community Center is prohibited and forbidden to mortgage the property of the community center or to dispose of it by private or public sale to any person, firm or corporation except to the Board of Education of Dare County.

Conveyance to County Board of Education.

SEC. 4. The Board of Trustees of the Dare County Community Center shall, upon request of the Board of County Commissioners and the Board of Education of Dare County, execute and deliver to the board of education of said county all of the property referred to in this Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1184 CHAPTER 1101

AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES OF NORTH CAROLINA FIXING THE TERMS OF THE SUPERIOR COURT FOR MADISON COUNTY, IN THE NINETEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That portion of Section 7-70 of the General Statutes of North Carolina, as the same appears in the 1947 Cumulative Supplement of the General Statutes, fixing the terms of Superior Court for Madison County, in the Nineteenth Judicial District, is hereby rewritten to read as follows:

Madison County, terms of Superior Court.

"Madison—First Monday before the first Monday in March, to continue for one week; fourth Monday after the first Monday in March, for two weeks, for the trial of both criminal and civil cases; twelfth Monday after the first Monday in March, to continue for one week; sixteenth Monday after the first Monday in March, to continue for one week; first Monday before the first Monday in September, to continue for one week; fourth Monday after the first Monday in September, for two weeks, for the trial of both criminal and civil cases; twelfth Monday after the first Monday in September, to continue for one week.

"The board of county commissioners shall, at the time of drawing the jurors for the terms of court provided in the preceding paragraph, designate whether the terms shall be for the trial of civil or criminal cases, and draw the jurors accordingly.

"In addition to the terms provided for above, there shall be held in Madison County a term of the Superior Court to which a judge shall be assigned beginning on the fifth Monday before the first Monday in March to continue for one week for the trial of civil cases."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective from and after June 1st, 1949.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1185 CHAPTER 1102

AN ACT TO FIX THE TERM OF OFFICE OF THE JUDGE OF THE RECORDER'S COURT OF WASHINGTON COUNTY AT FOUR YEARS.

The General Assembly of North Carolina do enact:

G. S. 7-219, amended.

SECTION 1. G. S. 7-219 is hereby amended by inserting in line 23 after the period following the word "officers" and before the word "Before", the following sentence: "The term of office of the judge of the recorder's court so elected shall be four years."

Washington County, term of office for Judge, Recorders Court.

SEC. 2. This Act shall apply only to Washington County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Act retroactive.

SEC. 4. This Act shall be retroactive to and from the date of the election of the present Judge of the Washington County Recorder's Court.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1235 CHAPTER 1103

AN ACT TO AMEND CHAPTER 174 OF THE PRIVATE LAWS OF 1905 SO AS TO PROVIDE A TWO-YEAR TERM OF OFFICE FOR THE MAYOR AND COMMISSIONERS OF THE TOWN OF MAGNOLIA, DUPLIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 174, Private Laws, 1905, amended.

Town of Magnolia; term of office for mayor.

SECTION 1. Section 4 of Chapter 174 of the Private Laws of 1905 is amended by striking out the word "annually" in line 3 of said Section and substituting in lieu thereof the word "biennially".

SEC. 2. Section 6 of Chapter 174 of the Private Laws of 1905 is amended by striking out the words "in each year" in line 2 of said Section and substituting in lieu thereof the words "each two years".

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1244 CHAPTER 1104

AN ACT TO AMEND CHAPTER 153 PRIVATE LAWS OF NORTH CAROLINA SESSION 1874-1875 BEING AN ACT TO INCORPORATE THE SHAW UNIVERSITY.

The General Assembly of North Carolina do enact:

Ch. 153, Private Laws, 1874-1875, amended.

SECTION 1. That Section 2 of Chapter 153 Private Laws of North Carolina Session 1874-1875 be and the same is hereby amended in the following respects:

Sec. 2, prescribing the corporate powers of Shaw University, amended.

(1) By omitting the following words which appear after the word "mixed" in line 7 and before the word "and" in line 10 to-wit: "To an amount not exceeding five hundred thousand dollars in value in the whole, and not exceeding in land three hundred acres in extent".

(2) Further amend Section 2 by changing the period at the end of said Section to a semicolon and adding the following: "Said powers to include, among others, the power and authority to purchase real estate to be used as new school sites or for the expansion of colleges, schools and academies, now operated by the corporation or which may hereafter be operated by it; also

the power to construct new buildings, remodel and renovate and make additions to old buildings now owned by the corporation or which may be hereafter acquired by it, when such acts are necessary or expedient; also the power to equip such buildings with suitable furniture and furnishings; and to this end and for these purposes and for the purpose also of the general upkeep of the present buildings and for the general operation of the present plants and those which may hereafter be acquired or constructed, said corporation shall have power and authority to borrow money and pledge the credit of the corporation therefor, and power to execute mortgages, deeds of trust, and other pledge agreements, both on personal and real property, as security for money so borrowed."

Said Section 2, after being so amended, will read as follows:

Shaw University, corporate powers enumerated.

"Sec. 2. The said corporation by its corporate name and style aforesaid shall have perpetual succession of officers and members, and shall be capable and liable to sue and be sued, plead and be impleaded in any court in this State; to have and use a common seal, and the same to change at will; to take and hold by gift, grant, bequest, devise, purchase or otherwise, estate and property, real, personal and mixed, and to use and dispose of the same for the benefit of said corporation where the will of the donor does not prohibit it; and to make such bylaws, rules and regulations not repugnant to the Constitution and laws of this State or of the United States, for the government and control of the corporation and the one or more universities, colleges, academies and schools aforesaid, as it may deem necessary and proper, and to do all other acts and have all other rights, privileges and powers usually done or used and exercised by corporations of like character with this; said powers to include, among others, the power and authority to purchase real estate to be used as new school sites or for the expansion of colleges, schools and academies, now operated by the corporation or which may hereafter be operated by it; also the power to construct new buildings, remodel, renovate and make additions to old buildings now owned by the corporation or which may be hereafter acquired by it, when such acts are necessary or expedient; also the power to equip such buildings with suitable furniture and furnishings; and to this end and for these purposes and for the purpose also of the general upkeep of the present buildings and for the general operation of the present plants and those which may hereafter be acquired or constructed, said corporation shall have power and authority to borrow money and pledge the credit of the corporation therefor, and power to execute mortgages, deeds of trust, and other pledge agreements, both on personal and real property, as security for money so borrowed."

Chapter further amended.

Sec. 2. Amend Section 4 of Chapter 153 Private Laws of North Carolina Session 1874-1875 by striking out all the wording

in said Section immediately after the comma following the word "corporation" in line 16, and inserting in lieu thereof the following wording, "between the meetings of the board of trustees, except the purchase or conveyance of real estate, the investment of funds, or the involvement of the corporation in indebtedness, but the said board of trustees are not required to create or appoint such executive board unless they see fit to do so in their sound discretion."

Said Section 4 when so amended, will read as follows:

Board of Trustees; powers and duties.

"SEC. 4. The powers, privileges and authority granted by this Charter, and the general government and the control of the Shaw University shall be held and exercised by fifteen trustees, of whom the treasurer, chairman of the executive board, and corresponding secretary, and if there be two or more corresponding secretaries, the senior corresponding secretary, (and if there be no corresponding secretary de jure, the acting corresponding secretary,) of the "American Baptist Home Mission Society" aforesaid, for the time being shall, ex officio, at all times be three, and the first board of trustees shall consist of the fifteen persons hereinbefore in the first Section of this Act specified. The said board of trustees shall have power to create an executive board, consisting of five of their number, which executive board shall have authority to transact all the ordinary business of the corporation between the meetings of the board of trustees, except the purchase or conveyance of real estate, the investment of funds, or the involvement of the corporation in indebtedness, but the said board of trustees are not required to create or appoint such executive board unless they see fit to do so in their sound discretion."

Chapter further amended.

SEC. 3. Amend Section 7 of Chapter 153 Private Laws of North Carolina Session 1874-1875 by inserting a comma after the word "hereinbefore" in line 8 and adding the following: "or at sites which may hereafter be purchased", and also by omitting at the end of said Section the wording "*Provided*, that the same shall not exceed the sum of two hundred thousand dollars", so that when amended said Section 7 shall read as follows:

Properties of the corporation.

"SEC. 7. The said corporation shall hold, possess and use all such lands, rents, tenements, hereditaments, moneys, goods chattels and effects of what kind, nature, or quality soever, the same may be, to which it may at any time, or in any manner, become entitled, in special trust and confidence, for the purpose of founding, establishing or endowing, the one or more universities, colleges, academies or schools hereinbefore provided for at the site hereinbefore, or at sites which may hereafter be purchased, selected and appointed for the same in the City of Raleigh, to be conducted upon the scheme indicated by the aforesaid deed of the third of May, 1870, and all such lands, rents,

tenements, hereditaments, moneys, goods, chattels and effects, so held and used by said corporation for the purposes, and upon the trusts aforesaid, and so long as they shall be so held and used, and no longer, shall be exempt from all taxes, rates and assessments for State, county or city purposes, or for any other purpose whatever."

Exemption from taxes.

SEC. 4. Further amend said Act by inserting a new Section between Section 8 and Section 9, said new Section to be designated "Section 8½" and to read as follows:

Sec. 8½, enacted.

"SEC. 8½. Any and all conveyances by the corporation of real estate by deed, mortgage, deed of trust, or otherwise, shall be executed in the name of the corporation, to-wit: The Shaw University, by the president of the board of trustees, attested by the secretary of the board of trustees, and the corporate seal of the corporation shall be affixed thereto, and shall be acknowledged by the said president and/or secretary to the board of trustees in one of the manners now provided or which may hereafter be provided, by the laws of North Carolina for corporate acknowledgments, *provided* this Section shall not be construed as invalidating or intending to invalidate any instruments heretofore executed by the corporation whether executed in this manner or not, but any and all instruments heretofore executed by the corporation, even though different from the manner herein prescribed, are hereby in all respects ratified and approved."

Corporate conveyances; form and execution.

SEC. 5. This Act shall be effective from and after its ratification.

Effective date.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1249 CHAPTER 1105

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF HOKE COUNTY TO CONVEY TO THE HOKE COUNTY BOARD OF EDUCATION CERTAIN LANDS TO BE USED BY THE HOKE COUNTY HIGH SCHOOL IN RAEFORD IN ITS PHYSICAL EDUCATION PROGRAM.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Hoke County is authorized and empowered to convey to the Hoke County Board of Education for a nominal consideration a tract of land containing approximately six acres located in the Town of Raeford, which has been developed by the county in cooperation with the Federal government for recreational purposes.

Hoke County, conveyance of certain property to Board of Education, authorized.

Use of property for physical education program.

SEC. 2. The Board of Education of Hoke County is authorized to accept the title of said property and to use any available funds not otherwise appropriated to further develop said property so as to make it suitable for use by the Hoke County High School in the furtherance of its physical education program.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1251 CHAPTER 1106

AN ACT TO AMEND G. S. 105-297 AND TO EXEMPT FROM TAXATION CERTAIN PERSONAL PROPERTY STORED IN WAYNE COUNTY FOR SHIPMENT OUT OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

G. S. 105-297, personal property exempt from taxation, amended to include certain re-dried tobacco, Wayne County.

SECTION 1. G. S. 105-297 is hereby amended by adding at the end of said Section the following:

"(14) All re-dried tobacco stored in Wayne County for shipment out of Wayne County shall be exempt from ad valorem taxation for a period of one year."

SEC. 2. This Act shall apply only to Wayne County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1252 CHAPTER 1107

AN ACT TO FIX THE SALARY OF THE JUDGE AND SOLICITOR OF THE TOWN COURT OF THE TOWN OF NORTH WILKESBORO, AND THE MAYOR OF THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

Ch. 144, Private Laws, 1913, amended.

North Wilkesboro, salary of Judge and Solicitor of Town Court.

SECTION 1. The Judge of the Town Court of the Town of North Wilkesboro, provided for in Chapter 144 of the Private Laws of 1913, as amended, and the solicitor of said court shall receive as compensation for their services a sum which shall be fixed by the city council of the town. The salary of the judge shall be fixed at a sum not to exceed $2,400 per year. The salary of the solicitor shall be fixed at a sum not to exceed $1,800 per year.

Salary of Mayor.

SEC. 2. The Mayor of the Town of North Wilkesboro shall receive as compensation for his services as mayor of said town the sum of one hundred fifty dollars ($150.00) per month, which amount shall be paid from the general fund of said town on the first day of each and every calendar month.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1259 CHAPTER 1108

AN ACT AUTHORIZING THE REPRODUCTION OF CERTAIN PUBLIC RECORDS OF WAKE COUNTY BY PHOTOSTATING, PHOTOGRAPHING, OR MICROPHOTOGRAPHING: PROVIDING FOR THE ADMISSIBILITY IN EVIDENCE OF SAME AND FOR THE DISPOSAL, DESTRUCTION OR ARCHIVAL STORAGE OF CERTAIN INACTIVE RECORDS OF THE CLERK OF THE SUPERIOR COURT AND OTHER OFFICES OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Wake County, acquisition of facilities for photostating or microphotographing of public documents and records, authorized.

SECTION 1. The Board of Commissioners of Wake County is hereby authorized and empowered to purchase, lease, rent, contract for or otherwise acquire the necessary equipment, supplies and service for the photostating, photographing or microphotographing of instruments, documents, or papers filed for docketing or for record, or which have heretofore been filed, docketed, or recorded in the offices of the Clerk of the Superior Court, the

register of deeds, and other county offices, and the filing, docketing and recording of such public or official records of photostating, photographing or microphotographing shall in all respects constitute a sufficient filing, docketing and recording of same in the same manner as if such reproductions were originals.

Adoption of system subject to approval by County Commissioners.

SEC. 2. An official, person in charge of, or head of any office, or department, or board of the Wake County government may, with the consent of the board of county commissioners cause any or all papers, documents, books and records kept by such official person in charge of, or head of any department or board to be photostated, photographed or microphotographed or reproduced on film by the use only of such equipment and or system as provided by the board of commissioners. Such film or reproducing material shall be of durable material, and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details. The board of commissioners shall provide for the preservation of such films in conveniently accessible files or vaults, of fire resisting material, in order that the films may be permanently kept, and shall permit the use of such films from which to make copies, as provided by law under such regulations as the board may prescribe.

Standard for material used in reproduction.

Reproduced documents deemed originals.

SEC. 3. Such photostatic copy, photograph, microphotograph or photographic film of the original papers, documents, books and records kept and on file shall be deemed to be an original file or record for all purposes, and shall be admissible in evidence in all courts or administrative agencies of this State. A facsimile, photostatic copy, certified or exemplified copy thereof shall, for all purposes recited herein, be deemed to be a photostatic copy, certified or exemplified copy of the original papers or records as if said papers had been typed or written in long hand in the records.

Admissibility in evidence.

Destruction or archival storage of certain inactive records.

SEC. 4. That whenever an official, person in charge of, or head of any office or department, or board of the Wake County government shall have photographed, photostated or microphotographed all or any part of the papers on file or any records kept by said person in a manner and on film that complies with the provisions of this Act, and said reproductions are placed in conveniently accessible files and provisions made for preserving, examining and using same, as herein set out, and said official being of the opinion that said inactive papers, documents, books and records kept and on file in the office of Clerk of Superior Court, the register of deeds, or any of the county offices are consuming valuable space, and have no historical value, may destroy or otherwise dispose of said original papers, documents, books and records upon a resolution being adopted by the board of county commissioners giving authority therefor, and when entered in the minutes of said board, and with the consent of the North Carolina State Department of Archives and History,

Approval of County Commissioner.

or its successor; *provided,* that said official person shall first furnish the State Department of Archives and History a complete explanation of the kind and type of papers, documents, books and public records intended to be destroyed or otherwise disposed of and turn over to the Department of Archives and History all or any of such papers, documents, books and records as the department may desire to have. In the event that the Department of Archives and History, or its successor, shall fail to notify said official person of the Wake County government within ninety (90) days after receiving an explanation of the kind and type of papers, documents, books and public records intended to be destroyed or otherwise disposed of, of its action thereon, then such failure to notify said official person, shall in all respects be deemed a consent by the State Department of Archives and History for the destruction or other disposal of said papers, documents, books and public records.

Approval of Department of Archives and History.

Information furnished to Department.

Presumption of approval upon failure to act.

SEC. 5. In order to provide for the services herein set forth, the Board of Commissioners of Wake County may execute such contracts or agreements thereof as in its opinion will promote efficiency and economy in the county government, in the carrying out of the purposes of this Act.

Authority of Commissioners to enter contracts.

SEC. 6. This Act shall apply only to Wake County.

Application of Act.

SEC. 7. All laws and clauses of laws in conflict with this matter are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1265 CHAPTER 1109

AN ACT AUTHORIZING THE GOVERNOR AND THE SECRETARY OF STATE, WITH THE APPROVAL OF THE COUNCIL OF STATE, TO DISPOSE OF THE STATE'S INTEREST IN FOUR ACRES OF LAND, MORE OR LESS, NEAR MONCURE IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Governor and the Secretary of State, subject to the approval of the Council of State, are hereby authorized and empowered, in their discretion, to dispose of, on behalf of the State, by deed of conveyance, and upon such terms and for such consideration as they deem proper, all such right, title and interest as the State of North Carolina may hold in or to a certain tract of land in Chatham County, North Carolina, lo-

Conveyance of certain State owned property in Chatham County, authorized.

cated near the Town of Moncure, adjoining the lands of E. E. Walden and others, and containing four acres, more or less.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1270 CHAPTER 1110

AN ACT CREATING THE TRANSYLVANIA COUNTY HISTORICAL COMMISSION.

Preamble: Transylvania County, celebration of centennial anniversary in 1961.

WHEREAS, the great County of Transylvania will in the year 1961 celebrate its centennial anniversary, and in order that its citizens may properly and adequately prepare for said celebration: *Now, therefore,*

The General Assembly of North Carolina do enact:

Transylvania County Historical Commission created.

SECTION 1. There is hereby created the Transylvania County Historical Commission for the County of Transylvania, North Carolina, consisting of nine members to administer and exercise the authority and functions as hereinafter set forth, and to appoint and designate a committee to plan and supervise a centennial program or celebration for Transylvania County. Any office or place of business which the commission may maintain shall be located at Brevard, North Carolina.

Office of Commission.

Members.

Ex-officio member.

The members of the commission shall be the following persons: The Register of Deeds of Transylvania County shall be an ex officio member of said commission. The remaining eight members to make a total of nine members of the commission shall be as follows: One member to be chosen by the County Chapter of the United Daughters of the Confederacy; one member to be chosen by the County Chapter of the Daughters of the American Revolution; one member to be chosen by the Monroe Wilson Post No. 88 of the American Legion; one member to be chosen by the Earl Jackson Post of the Veterans of Foreign Wars; the Honorable R. L. Gash; Mrs. Mary Jane McCrary; and two more members who shall be elected to the commission by the majority vote of the members set out above.

Terms of office.

Vacancy appointments.

All of these members, with the exception of the ex officio member, shall serve for a term of four years from the organization of the commission. Any vacancy in the membership of the commission, except the ex officio member as above designated, occurring by expiration, by death, by resignation, or by any

other cause shall be filled by the organization which such member represents on the commission as above stated: *Provided*, that any vacancy in the membership now held by the Honorable R. L. Gash, Mrs. Mary Jane McCrary, and the two members to be elected by the commission as above set out, occurring by expiration, by death, by resignation or by any other cause, shall be filled by the members of the commission who shall have been appointed by the organizations above set out.

Powers and duties of Commission.

SEC. 2. The commission shall have full authority and power to do and perform the following designated functions:

Ascertain, preserve, etc., places and things of historical value.

(a) To ascertain, discover, locate, declare and preserve places and things of a historic or patriotic nature or value in or pertaining to Transylvania County. Any authority now existing to locate markers and monuments of a historic or patriotic nature in Transylvania County is hereby transferred to this commission.

Assist historical organizations in preservation, etc., of historical places.

(b) To assist or encourage either or all of the historical or patriotic organizations hereinbefore mentioned to mark and preserve any location or thing of a historic or patriotic nature or value in or pertaining to Transylvania County.

Research, study and write history of county.

(c) To engage in research of and to study the history of Transylvania County, and cause the same to be done, including the people and things outstandingly connected with or incident to its development and growth, and to write or cause to be written a history of said county in as accurate and complete form as may be found possible within the means of the commission.

Acquire, hold, etc., real and personal property.

(d) To acquire, hold and own, by any legal means or method, property of every kind and nature, both personal and real; and to sell, convey, give away, mortgage, and, by any legal means or method, dispose of or use said property for any and all purposes in its discretion.

Recordation of papers and documents relating to historical origin and existence of county.

(e) To empower and direct, in its discretion, the Board of Commissioners of Transylvania County to record and place in the office of the register of deeds a copy of the Act establishing Transylvania County, a list of all persons who have held county offices in Transylvania County since its establishment, a roster of all soldiers and sailors from Transylvania County who participated in the War Between the States, Spanish-American War, and World Wars I and II, as well as any other papers or documents pertaining to the historical origin and existence of Transylvania County as may be deemed proper by the commission. Transylvania County shall make no charge for the registration of such papers.

Records of commission.

SEC. 3. The commission shall keep legible, permanent, and proper records of its acts and doings, which records shall be made known to the public upon reasonable requests and under reasonable circumstances.

Designation of commission.

SEC. 4. The commission shall be known as and shall transact business as Transylvania County Historical Commission, and by and under that name may make contracts and may hold, convey and otherwise use and dispose of any property, personal or real. Conveyances of real estate shall be executed by that name and as is provided by law for the conveyance of real estate by corporations. And the commission is authorized to own and operate all sorts of equipment and machinery by any power utilized.

Execution of conveyances of real estate.

Operation of equipment and machinery.

Organization of commission.

SEC. 5. On the first Monday in July of 1949, the members of the commission shall meet and organize by the election of a president, by the election of a vice president, and by the election of a secretary and treasurer; and it is provided that one person may hold both the office of secretary and that of treasurer.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

H. B. 1279 CHAPTER 1111

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE OFFICERS OF THE TOWN OF GIBSON IN SCOTLAND COUNTY TO INCLUDE ALL OF THE TERRITORY SITUATED IN SCOTLAND COUNTY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE SAID TOWN.

The General Assembly of North Carolina do enact:

Town of Gibson, jurisdiction of police extended.

SECTION 1. The Chief of Police and each and every member of the Police Department of the Town of Gibson in Scotland County are hereby given the same jurisdiction and power in all territory situated in Scotland County within one mile of the corporate limits of said Town of Gibson as is now exercised by police officers within the corporate limits of the said town.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 284 CHAPTER 1112

AN ACT RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 58 of the General Statutes by inserting the following:

G. S. Ch. 58, relating to insurance, amended by enactment of Art. 3A. Unfair Trade Practices.

"Art. 3A. Unfair Trade Practices.

G. S. 58-54.1. Declaration of purpose.

"§ 58-54.1. Declaration of purpose.—The purpose of this Act is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), by defining, or providing for the determination of, all such practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

G. S. 58-54.2. Definitions.

"Person."

"Commissioner."

"§ 58-54.2. Definitions.—When used in this Act: (a) "Person" shall mean any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, fraternal benefit society, and any other legal entity engaged in the business of insurance, including agents, brokers and adjusters. (b) "Commissioner" shall mean the Commissioner of Insurance of this State.

G. S. 58-54.3. Unfair methods of competition or unfair and deceptive acts or practices prohibited.

"§ 58-54.3. Unfair methods of competition or unfair and deceptive acts or practices prohibited.—No person shall engage in this State in any trade practice which is defined in this Act as or determined pursuant to this Act to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

G. S. 58-54.4. Unfair methods of competition, etc., defined.

"§ 58-54.4. Unfair methods of competition and unfair or deceptive acts or practices defined.—

"a. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

Misrepresentations and false advertising of policy contracts.

"(1) Misrepresentations and false advertising of policy contracts. Making, issuing, circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name

or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

False information and advertising generally.

"(2) False information and advertising generally. Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading.

Defamation.

"(3) Defamation. Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

Boycott, coercion and intimidation.

"(4) Boycott, coercion and intimidation. (a) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

False financial statements.

"(5) False financial statements. Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive.

Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, wilfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

Stock operations and insurance company advisory board contracts.

"(6) Stock operations and insurance company advisory board contracts. Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other

capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or any insurance company advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

Unfair discrimination.

"(7) Unfair discrimination. (a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract. (b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

Rebates.

"(8) Rebates. (a) Except as otherwise expressly provided by law,knowingly permitting or offering to make or making any contract of life insurance, life annuity or accident and health insurance, or agreement as to such contract other than as plainly expressed in the contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract. (b) Nothing in clause 7 or paragraph (a) of clause 8 of this Section shall be construed as including within the definition of discrimination or rebates any of the following practices: (i) in the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, *provided* that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders; (ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense; (iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense experienced thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made

Benefits and practices not included in terms, "rebates" and "discrimination."

retroactive only for such policy year. (c) No insurer or employee thereof, and no broker or agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance. Nothing herein contained shall be construed as prohibiting the payment of commissions or other compensation to regularly appointed and licensed agents and to brokers duly licensed by this State; nor as prohibiting any participating insurer from distributing to its policyholders dividends, savings or the unused or unabsorbed portion of premiums and premium deposits.

Construction of section.

G. S. 58-54.5. Power of commissioner.

"§ 58-54.5. Power of commissioner.—The commissioner shall have power to examine and investigate into the affairs of every person engaged in the business of insurance in this State in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by Section 58-54.3 of this Act.

G. S. 58-54.6. Hearings, etc.

"§ 58-54.6. Hearings, witnesses, appearances, production of books and service of process.—(a) Whenever the commissioner shall have reason to believe that any such person has been engaged or is engaging in this State in any unfair method of competition or any unfair or deceptive act or practice defined in Section 58-54.4, and that a proceeding by him in respect thereto would be to the interest of the public, he shall issue and serve upon such person a statement of the charges in that respect and a notice of the hearing thereon to be held at time and place fixed in the notice, which shall not be less than ten days after the date of the service thereof. (b) At the time and place fixed for such hearing, such person shall have an opportunity to be heard and to show cause why an order should not be made by the commissioner requiring such person to cease and desist from the acts, methods or practices so complained of. Upon good cause shown, the commissioner shall permit any person to intervene, appear and be heard at such hearing by counsel or in person. (c) Nothing contained in this Act shall require the observance at any such hearing of formal rules of pleading or evidence. (d) The commissioner, upon such hearing, may administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel their attendance, and require the production of books, papers, records, correspondence, or other documents which he deems relevant to the inquiry. The commissioner, upon such hearing, may, and upon the request of any party shall, cause to be made a stenographic record of all the evidence and all the proceedings had at such hearing. If no

Statement of charges of unfair practices.

Notice of hearing.

Appearances at hearing.

Witnesses, production of books, etc.

Stenographic record of hearing.

stenographic record is made and if a judicial review is sought, the commissioner shall prepare a statement of the evidence and proceeding for use on review. In case of a refusal of any person to comply with any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the Superior Court of Wake County, on application of the commissioner, may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey any such order of the court may be punished by the court as a contempt thereof. (e) Statements of charges, notices, orders, and other processes of the commissioner under this Act may be served by anyone duly authorized by the commissioner, either in the manner provided by law for service of process in civil actions, or by registering and mailing a copy thereof to the person affected by such statement, notice, order, or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order, or other process, setting forth the manner of such service, shall be proof of the same, and the return postcard receipt for such statement, notice, order, or other process, registered and mailed as aforesaid, shall be proof of the service of the same.

Procedure upon refusal of person to testify.

Service of orders and notices of commissioner.

"§ 58-54.7. Cease and desist orders and modifications thereof. —(a) If, after such hearing, the commissiner shall determine that the method of competition or the act or practice in question is defined in Section 58-54.4 and that the person complained of has engaged in such method of competition, act or practice in violation of this Act, he shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation an order requiring such person to cease and desist from engaging in such method of competition, act or practice. (b) Until the expiration of the time allowed under Section 58-54.8 (a) of this Act for filing a petition for review (by appeal) if no such petition has been duly filed within such time or, if a petition for review has been filed within such time, then until the transcript of the record in the proceeding has been filed in the Superior Court, as hereinafter provided, the commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside in whole or in part any order issued by him under this Section. (c) After the expiration of the time allowed for filing such a petition for review if no such petition has been duly filed within such time, the commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this Section, whenever in his opinion conditions of fact or of law have so changed as to require such action or if the public interest shall so require.

G. S. 58-54.7. Cease and desist orders, etc.

Modification of order.

"§ 58-54.8. Judicial review of cease and desist orders.—(a) Any person required by an order of the commissioner under Section 58-54.7 to cease and desist from engaging in any unfair

G. S. 58-54.8. Judicial review of cease and desist orders.

Petition for review.

method of competition or any unfair or deceptive act or practice defined in Section 58-54.4 may obtain a review of such order by filing in the Superior Court of Wake County, within thirty days from the date of the service of such order, a written petition praying that the order of the commissioner be set aside. A

Service of petition upon commissioner; transcript of record.

copy of such petition shall be forthwith served upon the commissioner, and thereupon the commissioner forthwith shall certify and file in such court a transcript of the entire record in the proceeding, including all the evidence taken and the report

Jurisdiction of Superior Court.

and order of the commissioner. Upon such filing of the petition and transcript such court shall have jurisdiction of the proceeding and of the question determined therein, shall determine whether the filing of such petition shall operate as a stay of such order of the commissioner, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree modifying, affirming or reversing the order of the commissioner, in whole or in part. The

Findings of fact by commissioner.

findings of the commissioner as to the facts, if supported by substantial evidence, shall be conclusive. (b) To the extent that the order of the commissioner is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of

Order for additional evidence to be taken before commissioner.

such order of the commissioner. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commissioner, the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearing in such manner and upon such terms and conditions as to the

Modification of order of commissioner upon additional evidence.

court may seem proper. The commissioner may modify his findings of fact, or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings which, if supported by substantial evidence shall be conclusive, and his recommendations, if any, for the modification or setting aside of his original order, with the return of such additional

When cease and desist order shall become final.

evidence. (c) A cease and desist order issued by the commissioner under Section 58-54.7 shall become final.

(1) Upon the expiration of the time allowed for filing a petition for review if no such petition has been duly filed within such time; except that the commissioner may thereafter modify or set aside his order to the extent provided in Section 58-54.7 (b); or

(2) Upon the final decision of the court if the court directs that the order of the commissioner be affirmed or the petition for review dismissed.

Liability under other laws of State unaffected by order.

"(d) No order of the commissioner under this Act or order of a court to enforce the same shall in any way relieve or absolve any person affected by such order from any liability under any other laws of this State.

"§ 58-54.9. Procedure as to unfair methods of competition and unfair or deceptive acts or practices which are not defined.—(a) Whenever the commissioner shall have reason to believe that any person engaged in the business of insurance is engaging in this State in any method of competition or in any act or practice in the conduct of such business which is not defined in Section 58-54.4, that such method of competition is unfair or that such act or practice is unfair or deceptive and that a proceeding by him in respect thereto would be to the interest of the public, he may issue and serve upon such person a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall not be less than ten days after the date of the service thereof. Each such hearing shall be conducted in the same manner as the hearings provided for in Section 58-54.6. The commissioner shall, after such hearing, make a report in writing in which he shall state his findings as to the facts, and he shall serve a copy thereof upon such person. (b) If such report charges a violation of this Act and if such method of competition, act or practice has not been discontinued, the commissioner may, through the Attorney General of this State, at any time after ten days after the service of such report cause a petition to be filed in the Superior Court of this State of the county wherein the person resides or has his principal place of business, to enjoin and restrain such person from engaging in such method, act or practice. The court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public pendente lite. To the extent that the order of the commissioner is affirmed, the court shall thereupon issue its order commanding obedience to the terms of such order of the commissioner. (c) A transcript of the proceedings before the commissioner including all evidence taken and the report and findings shall be filed with such petition. If either party shall apply to the court for leave to adduce additional evidence and shall show, to the satisfaction of the court, that such additional evidence is material and there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commissioner the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commissioner may modify his findings of fact or make new findings by reason of the additional evidence so taken, and he shall file such modified or new findings with the return of such additional evidence. (d) If the court finds that the method of competition complained of is unfair or that the act or practice complained of is unfair or deceptive, that the proceeding by the commissioner with respect thereto is to the interest of the public and that the findings of the commissioner are supported by the weight of the evidence,

G. S. 58-54.9. Procedure as to unfair methods of competition, etc., which are not defined.

Issuance and service of statement of charges.

Notice of hearing.

Conduct of hearing.

Report of commissioner.

Petition for restraining order if violation not discontinued upon order of commissioner.

Jurisdiction of court.

Transcript of proceedings before commissioner.

Additional evidence.

Modification of order of commissioner upon additional evidence.

Order of court.

it shall issue in its order enjoining and restraining the continuance of such method of competition, act or practice.

G. S. 58-54.10. Judicial review by intervenor.

"§ 58-54.10. Judicial Review by Intervenor.—If the report of the commissioner does not charge a violation of this Act, then any intervenor in the proceedings may within ten days after the service of such report, cause a notice of appeal to be filed in the Superior Court of Wake County for a review of such report. Upon such review, the court shall have authority to issue appropriate orders and decrees in connection therewith, including, if the court finds that it is to the interest of the public, orders enjoining and restraining the continuance of any method of competition, act or practice which it finds, notwithstanding such report of the commissioner, constitutes a violation of this Act.

G. S. 58-54.11. Penalty.

"§ 58-54.11. Penalty.—Any person who wilfully violates a cease and desist order of the commissioner under Section 58-54.7, after it has become final, and while such order is in effect, shall forfeit and pay to the commissioner for the use of the public schools of the county or counties in which the act or acts complained of occurred a sum to be determined by the commissioner not to exceed $1,000 for each violation, which if not paid may be recovered in a civil action instituted in the name of the commissioner in a court of competent jurisdiction in Wake County.

G. S. 58-54.12. Provisions of Act additional to existing law.

"§ 58-54.12. Provisions of Act Additional to Existing Law.—The powers vested in the commissioner by this Act, shall be additional to any other powers to enforce any penalties, fines or forfeitures authorized by law with respect to the methods, acts and practices hereby declared to be unfair or deceptive.

G. S. 58-54.13. Immunity from prosecution.

"§ 58-54.13. Immunity from Prosecution.—If any person shall ask to be excused from attending and testifying or from producing any books, papers, records, correspondence or other documents at any hearing on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, and shall notwithstanding be directed to give such testimony or produce such evidence, he must none the less comply with such direction, but he shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence pursuant thereto, and no testimony so given or evidence produced shall be received against him upon any criminal action, investigation or proceeding, *provided, however*, that no such individual so testifying shall be exempt from prosecution or punishment for any perjury committed by him while so testifying and the testimony or evidence so given or produced shall be admissible against him upon any criminal action, investigation or proceeding concerning such perjury, nor shall he be exempt from the refusal, revocation or

suspension of any license, permission or authority conferred, or to be conferred, pursuant to the Insurance Law of this State. Any such individual may execute, acknowledge and file in the office of the commissioner a statement expressly waiving such immunity or privilege in respect to any transaction, matter or thing specified in such statement and thereupon the testimony of such person or such evidence in relation to such transaction, matter or thing may be received or produced before any judge or justice, court, tribunal, grand jury or otherwise, and if so received or produced such individual shall not be entitled to any immunity or privilege on account of any testimony he may so give or evidence so produced."

Partial invalidity section.

SEC. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SEC. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1949.

S. B. 78

CHAPTER 1113

AN ACT TO PROVIDE FOR THE SERVICE OF THE COMPLAINT IN CIVIL ACTIONS IN WHICH THE PLAINTIFF HAS OBTAINED EXTENSION OF TIME FOR FILING COMPLAINT.

The General Assembly of North Carolina do enact:

G. S. 1-121, filing of complaint in civil actions, amended.

SECTION 1. G. S. 1-121 is hereby amended bp striking out the last three sentences of the Section, and by inserting in lieu thereof the following:

Service of complaint required when not filed upon issuance of summons.

Sheriff's return.

"When the complaint is not filed at the time of the issuance of the summons the clerk shall, when the complaint is filed, make an order directing the sheriff to serve a copy of such complaint on each of the defendants by delivery of a copy thereof to each of them, and the sheriff shall within ten days make such service and make a written return, on the paper containing the order issued to him, showing the date of service and the date of return, or, if for any reason he is unable to make service, he shall show in his return the reason therefor. If the sheriff's return shows that service of copy of the complaint as provided above has not been made on a defendant because such defendant is not to be found in the county where the summons was originally

Exception when defendant cannot, after due diligence, be found in State.

served on him, and the plaintiff causes affidavit to be made and filed showing that such defendant cannot, after due diligence, be found in the State, it shall not be necessary to make, or attempt to make, service thereof on such defendant in any other manner."

G. S. 1-125, time within which defendant must answer or otherwise plead, amended.

SEC. 2. G. S. 1-125 is hereby amended by striking out the second sentence of the Section and inserting in lieu thereof the following:

"If the time is extended for filing complaint, and a copy of the complaint, when filed, is served on the defendant, then, in such case, the defendant shall have thirty days after the date when the copy of the complaint was served on him, pursuant to G. S. 1-121, or the defendant shall have thirty days after the final date fixed for filing the complaint, whichever is the later date, in which to plead. If the time is extended for filing complaint, and a copy of the complaint, when filed, is not served on the defendant, then, in such case, said defendant shall have thirty days after the date of the sheriff's return showing that service was not made of such complaint, pursuant to G. S. 1-121, or the defendant shall have thirty days after the final day fixed for filing the complaint, whichever is the later date, in which to plead."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 163 CHAPTER 1114

AN ACT TO AMEND CHAPTER 824 OF THE SESSION LAWS OF 1947 SO AS TO APPOINT MEMBERS TO THE ALCOHOLIC BEVERAGES CONTROL BOARD OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Halifax County, appointment of members of Alcoholic Beverages Control Board.

SECTION 1. In accordance with the provisions of Section 1 of Chapter 824 of the Session Laws of 1947, the following named persons are hereby appointed as members of the Alcoholic Beverages Control Board of Halifax County: John F. Vincent, Roanoke Rapids, North Carolina; H. W. Rothrock, Enfield, North Carolina; H. H. Riddick, Scotland Neck, North Carolina; W. D. Allen, Weldon, North Carolina; R. H. Ward, Littleton, North Carolina. The five members of said board herein appointed shall, on or before the first day of June, 1949, meet and

comply with the requirements of Chapter 824 of the Session Laws of 1947. The members of the board herein appointed shall hold office for a period of two years from and after the first day of June, 1949, and until their successors are appointed and qualified. Their successors in office shall be appointed by a subsequent Act of the General Assembly.

Terms of office.

Successor appointments.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 250 CHAPTER 1115

AN ACT TO AMEND GENERAL STATUTES 136-19 RELATING TO LIMITATIONS OF ACTIONS AND NOTICE TO OWNERS IN CONDEMNATION PROCEEDINGS BY THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. General Statutes 136-19 is hereby amended by striking out the proviso at the end of the second paragraph and inserting in lieu thereof the following:

G. S. 136-19, relating to condemnation of rights of way by Highway Commission, amended.

"*Provided,* that in all cases where the State Highway and Public Works Commission, upon the completion of the particular project, posts a notice at the courthouse door in each county wherein any part of the particular project is situate, and posts such notice in appropriate and suitable size at each end of the project for thirty (30) days to the effect that the project was completed as of a certain date named in the notice, any action for damages for rights of way or other causes shall be brought within six months from the date the project was completed as specified in such notice, and in all cases where the State Highway and Public Works Commission does not post notice as above set forth, any action may be brought within twelve months from the date of the completion of the project."

Notice to property owners.

Time limitation on actions for damages.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 338 **CHAPTER 1116**

AN ACT TO AMEND CERTAIN SECTIONS OF THE SCHOOL MACHINERY ACT, AND TO EMPOWER THE STATE BOARD OF EDUCATION TO PROVIDE FOR A MINIMUM PROGRAM OF EDUCATION FOR ALL CHILDREN OF THE STATE.

The General Assembly of North Carolina do enact:

G. S. 115-347, School Machinery Act, amended as to purpose of the law.

SECTION 1. G. S. 115-347 is hereby amended by adding at the end of the Section the following: "It is also the purpose of this Subchapter to establish a minimum program of education in order that substantial equality of educational opportunity may be available to all children of the State."

G. S. 115-351, amended as to payment of salaries of teachers.

SEC. 2. G. S. 115-351 is hereby amended by adding after Subsection (2) in said Section, which is after the word "month" and before the word "full" in the next paragraph, a new paragraph to be numbered "(3)", which shall read as follows: "The State Board of Education may, in its discretion and under such rules and regulations as it may prescribe, provide for the payment of the salaries of regular State allotted teachers in ten equal monthly payments. It shall also provide for the salaries of vocational teachers in such monthly payments as may be desirable and in accordance with rules and regulations prescribed for the operation of the vocational program and in accordance with Federal laws and regulations relating to such funds."

G. S. 115-355, allotment of teachers, amended.

SEC. 3. G. S. 115-355 is hereby amended by adding at the end of the Section the following: "In order to provide for the enrichment and strengthening of educational opportunities for the children of the State, the State Board of Education is authorized in its discretion to make an additional allotment of

Additional allotment of teaching personnel for special instructional service.

teaching personnel to the county and city administrative units of the State, either jointly or separately as the State Board of Education may prescribe, and such persons may be used in said administrative units as librarians, attendance assistants, special teachers or supervisors of instruction and for other special instructional service, such as art, music, adult education, special education, or industrial arts as may be authorized and approved by the State Board of Education. The salaries of such personnel shall be determined in accordance with the State salary schedule

Clerical assistants for principals.

adopted by the State Board of Education. In addition, the State Board of Education is authorized and empowered, in its discretion, to make allotments of funds for clerical assistants for classified principals."

Provisions for acceptance and administration of Federal Aid to public education.

SEC. 4. In the event of the enactment by the Congress of the United States of legislation now pending in said Congress, known as Senate Bill No. 246, or any legislation designed for the same purpose, to authorize the appropriation of funds to assist the states and territories in financing a minimum education program

of public elementary and secondary schools and for other purposes relating thereto, and in the event funds become available under appropriations made by Congress for this purpose, in order to qualify for receiving the funds so appropriated, the Governor of this State is hereby authorized and empowered to take such action and to authorize and empower any State officer, department, or agency to take such action and perform such service as may be required by the Federal law for the acceptance and administration of said funds, which authority shall remain in effect until the adjournment of the first regular session of the Legislature of this State after such Federal legislation is enacted or until the Legislature of this State takes the action required under the Federal law to qualify and receive such Federal funds, whichever first occurs, and, in the event Federal funds become available to the states for elementary and secondary public schools by Act of Congress, then in that event, the State Treasurer is designated to receive such funds for the State of North Carolina; the State Board of Education is designated as the State Educational Authority to administer these funds. These two agencies shall make all necessary audits, reports, and regulations required by the Acts of Congress in order for the State of North Carolina to receive its share of funds.

Powers of Governor.

Administration of funds by the "State Educational Authority."

In the event such Federal funds are provided, the State Board of Education is authorized and empowered to provide aid to the county and city administrative units for maintenance of plant and for all other purposes in the public schools of the State as may meet the requirements set forth for the use of such Federal funds, to the end that the State may profit maximally from the use of such funds. The State Board of Education is also authorized, with the approval of the Director of the Budget, to provide for such additional personnel in the Department of Public Instruction and the State Board of Education as may be necessary for adequate and necessary supervision and administration at State level, and the cost of such personnel, including administration, supervision, clerical help, travel expense, and other necessary expense shall be provided from such Federal funds in accordance with Federal rules and regulations pertaining thereto. Funds provided by Federal appropriations shall be distributed by the State Board of Education on a just and equitable basis among the separate schools operated in this State.

Allocation of funds by State Board of Education.

Additional personnel for supervision at State level.

Payment of salaries and expenses of administrative personnel.

SEC. 5. G. S. 115-370 is hereby amended by adding to the second paragraph the following: "The State Board of Education may provide to each administrative unit not exceeding one per cent (1%) of the cost of instructional service for the purpose of providing substitute teachers for those on sick leave as authorized by law or by regulations of the State Board of Education, not exceeding the provisions made for other State employees."

G. S. 115-370, amended.

Provision for substitute teacher pay.

Continuation of public school system survey.

SEC. 6. The State Board of Education is hereby authorized, in its discretion, to continue the comprehensive study of the entire State Public School System, as undertaken by the State Education Commission established by Chapter 724 of the 1947 Session Laws. Such study and survey may cover all fields of the State's educational program, as contemplated by the 1947 Act, together with such other problems affecting the public schools as may be deemed advisable. A report of the finding of any survey and study so made, with such recommendation as the State Board of Education may care to make, shall be submitted to the Governor and the General Assembly of 1951.

Report to Governor and General Assembly.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from the date of its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 349 CHAPTER 1117

AN ACT TO AMEND G. S. 103-1 RELATING TO SUNDAYS.

The General Assembly of North Carolina do enact:

G. S. 103-1, relating to work on Sundays, amended to exempt Catawba County.

SECTION 1. G. S. 103-1 is amended by adding at the end thereof a new paragraph to read as follows:

"This Section shall not apply to Catawba County."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 380 **CHAPTER 1118**

AN ACT RELATING TO ELECTIONS IN THE TOWN OF HARMONY.

The General Assembly of North Carolina do enact:

Town of Harmony, conduct of municipal elections.

SECTION 1. It shall not be necessary at any municipal election in the Town of Harmony to have more than one polling place or more than one registrar and two judges with respect to any such election, but the voters of said town shall continue to elect members of the town governing body by wards which shall continue to be constituted in the same manner as they are on the effective date of this Act.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 402 **CHAPTER 1119**

AN ACT TO AMEND CHAPTER 596 OF THE PUBLIC-LOCAL LAWS OF 1915 RELATING TO THE NUMBER OF DEPUTY SHERIFFS IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 596, Public-Local Laws, 1915, amended.

SECTION 1. Chapter 596 of the Public-Local Laws of 1915, as amended, is hereby further amended by striking out all of Section 5 thereof and by inserting in lieu thereof a new Section 5 reading as follows:

Davidson County, salary and travel allowance for Sheriff.

"SEC. 5. The Sheriff of Davidson County shall be paid in equal monthly installments an annual salary of forty-two hundred dollars ($4200.00) and an annual travel allowance of twelve hundred dollars ($1200.00). Such salary and travel allowance shall be in addition to all allowances now provided by law for clerk, assistants and deputies. Other than his chief deputy and jailor, the Sheriff of Davidson County shall be limited to not more than nine regular deputies who shall be paid a salary not to exceed one hundred fifty dollars ($150.00) a month each, and who shall receive no other compensation whatsoever except that the county commissioners may allow any necessary expenses incident to their duties."

Authorized number of Deputies Sheriff.

Salary of deputies.

Emergency deputies.

SEC. 2. In addition to the nine deputies authorized in Section 1 of this Act, the Sheriff of Davidson County, subject to the approval of the Board of Commissioners of Davidson County, is

hereby authorized to appoint from time to time and for such time as he may deem necessary in the public interest a sufficient number of deputy sheriffs to serve in emergencies and to exercise the same rights, powers and authority as regular deputy sheriffs during the period for which such additional deputies are appointed to serve. The compensation of such additional deputies as are appointed by the sheriff and approved by the board of county commissioners shall be at the rate of six dollars ($6.00) per diem for each day served, such compensation to be paid out of the general county funds.

Authority of emergency officers.

Compensation.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 407 CHAPTER 1120

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REGULATION OF INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter 58 of the General Statutes as follows:

G. S. Ch. 58, Insurance Law, amended.

1. Insert the following new Section: "§ 58-51.3. Companies and agents to transact business through licensed agents. No insurance company, nor any agent of any insurance company shall on behalf of such company or agent knowingly permit any person not licensed as an insurance agent as provided by law to solicit insurance, negotiate for, collect or transmit a premium for a contract of insurance or to act in any way in the negotiation for any contract or policy of insurance; *provided* no license shall be required of a person making and transmitting deductions for premiums under pay roll deduction plans for life, accident and/or health insurance."

G. S. 58-51.3, companies and agents to transact business through licensed agents, enacted.

SEC. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Partial invalidity section.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 411 **CHAPTER 1121**

AN ACT TO AMEND SECTION 20-29.1 OF THE GENERAL STATUTES RELATIVE TO THE ISSUANCE OF LIMITED OR RESTRICTED MOTOR VEHICLE OPERATORS' OR CHAUFFEURS' LICENSES.

The General Assembly of North Carolina do enact:

SECTION 1. Section 20-29.1 of the General Statutes is hereby amended by adding at the end thereof the following:

G. S. 20-29.1, Uniform Driver's License Act, amended.

"The commissioner may, in his discretion and upon the written application of any persons qualified to receive an operator's or chauffeur's license, issue to such person an operator's or chauffeur's license restricting or limiting the licensee to the operation of a single prescribed motor vehicle or to the operation of a particular class or type of motor vehicle. Such a limitation or restriction shall be noted on the face of the license, and it shall be unlawful for the holder of such limited or restricted license to operate any motor vehicle or class of motor vehicle not specified by such restricted or limited license, and the operation by such licensee of motor vehicles not specified by such license shall be deemed the equivalent of operating a motor vehicle without any chauffeur's or operator's license. Any such restricted or limited licensee may at any time surrender such restricted or limited license and apply for and receive an unrestricted operator's or chauffeur's license upon meeting the requirements therefor."

Limited or restricted operator's or chauffeur's license.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 414 **CHAPTER 1122**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF JOHNSTON COUNTY TO APPLY CERTAIN ACCUMULATED PROCEEDS OF A SPECIAL SCHOOL TAX LEVY TO THE CONSTRUCTION AND OPERATION OF A COMMUNITY HOUSE IN BENTONSVILLE TOWNSHIP.

Preamble: Accumulated proceeds from special tax levy, Bentonsville Township, Johnston County.

WHEREAS, under authority granted by Chapter 414 of the Public-Local Laws of 1939, and pursuant to a petition and election held thereunder, there has been levied, collected and accumulated approximately twelve thousand dollars ($12,000.00), representing the proceeds of a special tax levy of not to exceed fifty cents (50c) on the hundred dollar valuation of all property in Bentonsville Township in Johnston County, and

Purpose of special levy.

WHEREAS, this special levy was for the purpose of erecting a school building in Bentonsville Township, and is no longer levied or collected, and

WHEREAS, the reorganization and consolidation of the public school system, together with the scarcity of materials and the excessive cost of construction has prevented the erection of the schoolhouse contemplated under Chapter 414 of the Public-Local Laws of 1939, and

Failure of original purpose.

WHEREAS, the said sum of approximately twelve thousand dollars ($12,000.00) is now lying idle in the County Treasury of Johnston County, the original purpose for which it was levied and collected having failed: *Now, therefore,*

The General Assembly of North Carolina do enact:

Election on question of applying proceeds to construction of community house.

SECTION 1. The Board of County Commissioners of Johnston County is hereby authorized to call a special election in Bentonsville Township for the purpose of submitting to the qualified voters of said township the question of applying said special school fund to the construction, maintenance and operation of a Community House in Bentonsville Township.

Conduct of election.

SEC. 2. The election authorized by this Act shall be called and conducted and the results determined in accordance with the laws governing special elections, except as otherwise provided in this Act.

Eligibility for voting.

SEC. 3. No new registration of voters shall be required for such election, and the election shall be held at a time to be fixed by the board of county commissioners, and at the regular voting places Bentonsville Township Precinct. All persons properly qualified and registered on the regular registration books of said precinct shall be entitled to vote.

Form of ballot.

SEC. 4. The voting shall be by ballot in substantially the following form:

☐ For Use of Special School Building Fund for Construction and Maintenance of a Community House.

☐ Against Use of Special School Building Fund for Construction and Maintenance of a Community House.

Separate ballots may be used for the affirmative and negative propositions, or both propositions may be presented on one ballot.

Results of election.

SEC. 5. In the event a majority of the qualified voters voting in said election vote in favor of the proposed use of the special school fund for the construction and maintenance of a community house, the board of county commissioners shall, by proper resolution, proceed to make available said special school fund for the construction and maintenance of a Community House in Bentonsville Township. In the event such affirmative proposition fails to receive a majority of the votes cast, such special school fund shall not be so applied.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 424 CHAPTER 1123

AN ACT TO AMEND SUBSECTION 25 OF G. S. 160-200 SO AS TO PROVIDE ADDITIONAL GROUP LIFE INSURANCE FOR POLICEMEN, FIREMEN, AND OTHER CITY EMPLOYEES OF THE CITIES AND TOWNS WITHIN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

G. S. 160-200, corporate powers of municipalities, amended.

SECTION 1. Subsection 25 of G. S. 160-200 is amended by adding at the end thereof a new paragraph to read as follows:

Halifax County, group insurance for municipal employees.

"In the several cities and towns within Halifax County, the governing board of any of said cities and towns is authorized, in its discretion, to insure policemen, firemen, or any class of city or town employees against death or disability, or both, during their employment under forms of insurance known as group insurance, the amount of benefit on the life of any one person not to exceed the sum of seven thousand five hundred dollars ($7,500.00). The premiums on such insurance shall be paid out of the current funds of the such city or town providing such insurance."

Acts of governing boards of municipalities, validated.

SEC. 2. All action on the part of the governing board or boards of any and all cities and towns in Halifax County in the purchase of group insurance in excess of two thousand dollars ($2,000.00) is hereby in all respects validated and confirmed.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 427 CHAPTER 1124

AN ACT RELATING TO THE CHARTER OF THE TOWN OF MACCLESFIELD IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Town of Macclesfield. Municipal election date.

SECTION 1. Notwithstanding any other provisions of law, the regular municipal election in the Town of Macclesfield shall be held on the first Monday in May, 1949, and biennially thereafter. At said regular municipal election there shall be elected a Mayor and four commissioners. No marshal shall be elected at the election held on the first Monday in May, 1949, or biennially thereafter, but the Governing Body of the Town of Macclesfield is hereby authorized and empowered to appoint a chief of police for said town to serve at its pleasure.

Appointment of chief of police.

Construction of Act.

SEC. 2. This Act shall not have the effect of requiring any notice of the election to be held on the first Monday in May, 1949, other than, or different from, or in addition to, such notice of such election as is required by the laws in force when this Act is ratified.

Municipal primaries abolished.

SEC. 3. No municipal primary election shall be held in the Town of Macclesfield.

Levy and collection of taxes.

SEC. 4. Notwithstanding any other provisions of law, the Governing Body of the Town of Macclesfield is hereby authorized and empowered to levy and collect taxes in the same manner and amount as is authorized and provided by the general laws of the State relating to the taxing powers of municipal corporations.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 429 **CHAPTER 1125**

AN ACT TO AMEND CHAPTER 425 OF THE PRIVATE LAWS OF 1907, RELATING TO THE CHARTER OF THE TOWN OF PINE LEVEL, AND THE NUMBER OF TOWN COMMISSIONERS TO BE NAMED THEREUNDER.

The General Assembly of North Carolina do enact:

Ch. 425, Private Laws, 1907, amended.

Town of Pine Level; number of town commissioners increased.

SECTION 1. Chapter 425 of the Private Laws of 1907, as amended, is hereby further amended by striking out the word "three" immediately preceding the word "commissioners" in line 2 of Section 3 of said Chapter 425, and by inserting in lieu thereof the word "four".

SEC. 2. Chapter 425 of the Private Laws of 1907, as amended, is hereby further amended by rewriting Section 18 thereof so as to read as follows:

Power and duties of mayor.

Pro tempore appointment during absence of mayor.

"SEC. 18. The mayor, when present, shall preside at all meetings of the board of commissioners and shall have the same right and authority as the several commissioners to vote upon any matter or question coming before the board of town commissioners. In case of the absence of the mayor, the board may appoint one of its members chairman pro tempore to exercise the mayor's duties at meetings of the board, and in the event of his prolonged absence by reason of sickness or otherwise, the board of commissioners may appoint one of its own members pro tempore to perform the duties and exercise the general authority of the mayor."

SEC. 3. Chapter 425 of the Private Laws of 1907, as amended, is hereby further amended by inserting between the word "commissioners" and the word "shall" in line 1 of Section 19 of said Chapter 425, the words "and the Mayor".

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 436 **CHAPTER 1126**

AN ACT TO REWRITE THAT PORTION OF SECTION 7-70 OF THE GENERAL STATUTES FIXING THE TERMS OF THE SUPERIOR COURT FOR CATAWBA COUNTY IN THE SIXTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That portion of Section 7-70 of the General Statutes fixing the terms of the Superior Court of Catawba County in the Sixteenth Judicial District is hereby rewritten to read as follows:

Catawba County, terms of Superior Court.

"Seventh Monday before the first Monday in March, to continue for two weeks and for the trial of civil cases only, fourth Monday before the first Monday in March, to continue for two weeks; ninth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; ninth Monday before the first Monday in September, to continue for two weeks; first Monday in September, to continue for two weeks, for the trial of civil cases only; tenth Monday after the first Monday in September, to continue for two weeks, for the trial of both criminal and civil cases; thirteenth Monday after the first Monday in September, to continue for one week and for the trial of civil cases only. Fifth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only: *Provided,* that the board of county commissioners may by resolution, adopted not less than thirty days prior to the convening of either of the last two courts, determine that the holding of such court is not necessary and cancel the same, in which case notice of such action shall immediately be given to the Governor to the end that the judge assigned to said court may be relieved from such assignment."

Cancellation of terms.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 442 **CHAPTER 1127**

AN ACT TO REPEAL CHAPTER 87 OF THE PRIVATE LAWS OF 1917; CHAPTER 168 OF THE PRIVATE LAWS OF 1921; AND CHAPTER 12 OF THE PRIVATE LAWS OF THE EXTRA SESSION OF 1924.

The General Assembly of North Carolina do enact:

Ch. 87, Private Laws, 1917, repealed.

SECTION 1. That Chapter 87 of the Private Laws of the State of North Carolina, Session of 1917 entitled "An Act to Aid in the Development of the Town of Reidsville" be, and the same is hereby repealed.

Ch. 168, Private Laws, 1921, repealed.

SEC. 2. That Chapter 168 of the Private Laws passed by the General Assembly at its Session in 1921 entitled "An Act to Amend Chapter 87, Private Laws of 1917, Relating to Development of the Town of Reidsville" be, and the same is hereby repealed.

Ch. 12, Private Laws, 1924, repealed.

SEC. 3. That Chapter 12 of the Private Laws enacted by the General Assembly at its extra Session in 1924 entitled "An Act to Amend Chapter 87, Private Laws of North Carolina, Session 1917, to Aid in the Development of the Town of Reidsville, North Carolina" be, and the same is hereby repealed.

Construction of Act.

SEC. 4. That nothing in this Act, however, shall be construed to invalidate any election, or other proceedings or action taken by the City of Reidsville under the authority of Chapter 33 of the Public Laws of 1925, now Chapter 158 of the General Statutes of North Carolina.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 448 **CHAPTER 1128**

AN ACT TO AMEND SENATE BILL NO. 258 RATIFIED APRIL 11, 1949, RELATING TO THE NOMINATION AND ELECTION OF THE COUNTY COMMISSIONERS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 881, Session Laws, 1949, relating to election of county commissioners, Anson County, amended.

SECTION 1. That Section 1 of Senate Bill No. 258 ratified April 11, 1949, be and the same is amended by adding after the numeral 5 in line 1 the following: "of Chapter 612."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 185 CHAPTER 1129

AN ACT RELATING TO LIENS ON PERSONAL PROPERTY CREATED IN ANOTHER STATE, AFTER THE PROPERTY IS REMOVED TO THIS STATE.

The General Assembly of North Carolina do enact:

Sale of personal property; validity of encumbrances created in another State.

SECTION 1. No mortgage, deed of trust, or other encumbrance created upon personal property while such property is located in another state is or shall be a valid encumbrance upon said property which has been, or may be, removed into this State as to purchasers for valuable consideration without notice to creditors, unless and until such mortgage, deed of trust, or other encumbrance is or was actually registered or filed for registration in the proper office in the state from which same was removed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 218 CHAPTER 1130

AN ACT TO AMEND CHAPTER 127 OF THE GENERAL STATUTES, RELATING TO THE NATIONAL GUARD.

The General Assembly of North Carolina do enact:

G. S. 127-1, amended to lower age limit of State Militia.

SECTION 1. (a) G. S. 127-1 is hereby amended by striking out the word "eighteen" after the words "more than" and before the word "years" in line 6, and inserting in lieu thereof the word "seventeen".

G. S. 127-2, age limit of National Guard, amended.

(b) G. S. 127-2 is hereby amended by striking out the word "eighteen" after the words "ages of" and before the word "and" in line 3, and inserting in lieu thereof the word "seventeen".

(c) G. S. 127-3 is hereby amended by striking out the word "eighteen" after the words "ages of" and before the word "and" in line 3, and inserting in lieu thereof the word "seventeen". G. S. 127-3, age limit of Naval Militia, amended.

(d) G. S. 127-4 is hereby amended by striking out the word "eighteen" at the end of line 5 after the words "more than", and inserting in lieu thereof the word "seventeen". G. S. 127-4, age limit of Unorganized Militia, amended.

SEC. 2. G. S. 127-30 is hereby amended by rewriting the Section to read as follows: G. S. 127-30, amended.

"G. S. 127-30. Retirement of officers. Retirement of officers shall be regulated so as to conform to Federal laws and regulations of the United States relating to retirement of National Guard officers." Retirement of officers.

SEC. 3. G. S. 127-42 is hereby amended by rewriting the Section to read as follows: G. S. 127-42, amended.

"G. S. 127-42. Powers of courts-martial. All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, that such sentences of confinement shall not exceed one day for each dollar ($1.00) of fine authorized." Powers of Courts-Martial.

SEC. 4. G. S. 127-79 is hereby amended by striking out the words "four dollars ($4.00)" at the end of line 14 after the words "actual expenses and", and inserting in lieu thereof the words "six dollars ($6.00)". G. S. 127-79, amended as to rate of pay.

SEC. 5. (a) G. S. 127-102 is hereby amended by rewriting the first paragraph thereof to read as follows: G. S. 127-102, amended.

"There shall be allowed each year to the following officers, under rules and regulations prescribed by the Adjutant General, as follows: To the Commanding General of a Division, Group and Regimental Commanders, Commanding Officers of separate Battalions, Squadrons, or similar organizations, not to exceed two hundred and twenty-five dollars ($225.00); to Commanding Officers of Battalions or similar organizations being a part of the regiment, not to exceed one hundred dollars ($100.00); to Commanding Officers of Companies, Batteries, Troops, Detachments and similar units, not to exceed two hundred dollars ($200.00); to Lieutenants serving with units, not to exceed one hundred dollars ($100.00); to Regimental Adjutants, Plans and Training Officers, and Adjutants of separate Battalions, Squadrons, and similar organizations, not to exceed one hundred dollars ($100.00). No officer shall be entitled to receive any part of the amounts named herein unless he has performed satisfactorily all duties required of him by law and regulations and has pursued such course of instruction as may from time to time be required." Allowances to ennumerated officers.

G. S. 127-102, further amended.

Expense allowance of Federally recognized components.

(b) G. S. 127-102 is hereby further amended by striking out the words and figures "six hundred dollars ($600.00)" after the words "sum of" and before the words "to be applied" in line 6 of the second paragraph, and inserting in lieu thereof the words and figures "one thousand and five hundred dollars ($1,500.00)".

G. S. Ch. 127, Militia, amended.

SEC. 6. Chapter 127 of the General Statutes is hereby amended by inserting a new Section immediately following G. S. 127-110 and immediately preceding G. S. 127-111, to be numbered G. S. 127-110.1, and to read as follows:

G. S. 127-110.1, when officers authorized to administer oaths, enacted.

"G. S. 127-110.1. When officers authorized to administer oaths. Officers of the National Guard are authorized to administer oaths in all circumstances pertaining to any military matter whenever an oath is required."

G. S. 20-80, amended as to National Guard license plates.

SEC. 7. G. S. 20-80 is hereby amended by striking out the words "the number five hundred" in line 25, and inserting in lieu thereof the words "the number eleven hundred".

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 325 CHAPTER 1131

AN ACT TO REPEAL CHAPTER 343 OF THE PUBLIC-LOCAL LAWS OF 1931 RELATING TO A HIGHWAY COMMISSION FOR MADISON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 343, Public-Local Laws, 1931, repealed.

SECTION 1. Chapter 343 of the Public-Local Laws of 1931 is hereby repealed in its entirety.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 384 **CHAPTER 1132**

AN ACT TO DEFINE, CLASSIFY AND REGULATE MOTOR CARRIERS OF PASSENGERS OVER THE HIGHWAYS OF THE STATE FOR COMPENSATION: CONFERRING UPON THE UTILITIES COMMISSION THE POWER TO GRANT CERTIFICATES AND PERMITS OF PUBLIC CONVENIENCE AND NECESSITY; TO FIX RATES, TARIFFS AND SCHEDULES; TO REQUIRE THE ESTABLISHMENT AND MAINTENANCE OF PASSENGER STATIONS; TO PRESCRIBE AND ENFORCE RULES FOR THE SAFETY AND PROTECTION OF THE TRAVELING PUBLIC AND GENERALLY TO REGULATE, IN THE PUBLIC INTEREST, MOTOR CARRIERS OF PASSENGERS OPERATING IN THIS STATE; AND TO REPEAL ARTICLE 6, CHAPTER 62 OF THE GENERAL STATUTES OF NORTH CAROLINA OF 1943.

The General Assembly of North Carolina do enact:

SECTION 1. Short Title. This Act shall be known and may be cited as The Bus Act of 1949. The Bus Act of 1949.

SEC. 2. Declaration of Policy. Upon investigation, it has been determined that the transportation of passengers by motor carriers for compensation over the public highways of the State is a business affected with a public interest, and it is hereby declared to be the policy of the State of North Carolina among other things, to provide fair and impartial regulation of motor carriers of passengers in the use of the public highways in such a manner as to promote, in the interest of the public, the inherent advantages of highway transportation; to promote adequate economical and efficient service to all of the communities of the State by motor carriers engaged in the transportation of passengers over the public highways for compensation; to encourage the establishment and maintenance of reasonable charges for transportation services without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to encourage and promote harmony among motor carriers of passengers, between such carriers and carriers of passengers by rail or water, and between all carriers of passengers and the traveling public; to foster a coordinated Statewide motor carrier service; to conform with the national transportation policy and the Federal Motor Carrier Act in so far as the same may be found practical and adequate for application to intrastate commerce; and to cooperate with other states and with the Federal Government in promoting and coordinating intrastate and interstate commerce by motor carriers. Declaration of policy.

SEC. 3. Delegation of Jurisdiction. Full power and authority to administer and enforce the provisions of this Act, and to make and enforce reasonable and necessary rules and regulations to Delegation of jurisdiction.

that end, are hereby vested in the North Carolina Utilities Commission.

Definitions.

SEC. 4. Definitions. When used in this Act, unless the language or context clearly indicate that different meanings are intended:

"Broker" defined.

(1) "Broker" means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carriers, who or which as principal or agent engages in the business of selling or offering for sale any transportation by motor carrier, or negotiates for or holds himself, or itself, out by solicitation, advertisement, or otherwise, as one who sells, provides, furnishes, contracts, or arranges for such transportation for compensation, either directly or indirectly.

"Certificate" defined.

(2) "Certificate" means a certificate of public convenience and necessity issued by the commission pursuant to the provisions of this Act to a common carrier by motor vehicle.

"Charter party" defined.

(3) "Charter party" means a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the commission, have acquired the exclusive use of a passenger carrying motor vehicle to travel together as a group from a point of origin to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after having left the place of origin.

"Commission" defined.

(4) "Commission" means the North Carolina Utilities Commission.

"Common carrier by motor vehicle" defined.

(5) "Common carrier by motor vehicle" means any person which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of passengers for compensation over regular routes and between fixed termini.

"Contract carrier by motor vehicle" defined.

(6) "Contract carrier by motor vehicle" means any person not included in the definition of "common carrier by motor vehicle" which, under individual contracts or agreements, engages in the transportation by motor vehicle of passengers in intrastate commerce for compensation. Such contracts (a) must be in writing, (b) must provide for the transportation of particular persons or groups of persons, (c) must be bilateral and impose specific obligations upon both the carrier and the other contracting parties, (d) must cover a series of trips in contrast to a single trip, and (e) a copy of which must be preserved by the carrier until terminated by its terms and at least one year thereafter.

"Highway" defined.

(7) "Highway" means any road or street in this State used by the public or dedicated or appropriated to public use.

(8) "Intrastate commerce" means commerce between points and over a route or within a territory wholly within this State, which commerce is not a part of a prior or subsequent movement to or from points outside of this State in interstate or foreign commerce, and includes all transportation of passengers by motor vehicle within this State for compensation in interstate or foreign commerce which has been exempted from regulation under Part II, the Interstate Commerce Act, regulating motor carriers. "Intrastate commerce" defined.

(9) "Intrastate operations" means the transportation of passengers by motor vehicle for compensation in intrastate commerce. "Intrastate operations" defined.

(10) "Interstate commerce" means commerce between any place in this State and any place in another State or between places in this State through another State, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, water, or air. "Interstate commerce" defined.

(11) "Motor carrier" includes a common carrier by motor vehicle and a contract carrier by motor vehicle. "Motor carrier" defined.

(12) "Motor vehicle", "vehicle", or "bus" means any vehicle, machine, tractor, semi-trailer, or any combination thereof determined by the commission, which is propelled or drawn by mechanical power and used upon the highways within this State in the transportation of passengers for compensation in intrastate commerce. "Motor vehicle, or bus" defined.

(13) "Municipality" means any collection of people incorporated pursuant to the provisions of Section 4, Article 8, of the Constitution of North Carolina. "Municipality" defined.

(14) "Permit" means a permit issued by the commission pursuant to the provisions of this Act to a contract carrier by motor vehicle. "Permit" defined.

(15) "Person" means a corporation, individual, copartnership, company, association, or any combination of individuals or organizations doing business as a unit, and includes any trustee, receiver, assignee, or personal representative thereof. "Person" defined.

(16) "Service", "transportation", and "operations" mean the transportation of passengers by a motor carrier over the highways of this State in intrastate commerce for compensation, and includes all services, vehicles, equipment, and facilities used in connection therewith. "Service, transportation and operations" defined.

(17) "State" means the State of North Carolina. "State" defined.

(18) "Town" means any unincorporated community, or collection of people having a geographical name by which it may be generally known and is so generally designated. "Town" defined.

Exemptions from regulations.

SEC. 5. Exemptions from Regulations.

"(1) Nothing in this Act shall be construed to include persons and vehicles engaged in one or more of the following services if not engaged at the time or at other times in the transportation of other passengers by motor vehicle for compensation: (a) transportation of passengers for or under the control of the United States Government, or the State of North Carolina, or any political subdivision thereof, or any board, department or commission of the State, or any institution owned and supported by the State; (b) transportation of passengers by taxicabs or other motor vehicles performing bona fide taxicab service and carrying not more than six passengers in a single vehicle at the same time and not operated on a regular route or between fixed termini; *provided,* no taxicab while operating over the regular route of a common carrier outside of a town or a municipality and a residential and commercial zone adjacent thereto, as such zone may be determined by the commission as provided in (h) of this paragraph, shall solicit passengers along such route, but nothing herein shall be construed to prohibit a taxicab operator from picking up passengers along such route upon call, sign or signal from prospective passengers, (c) transportation by motor vehicles owned or operated by or on behalf of hotels while used exclusively for the transportation of hotel patronage between hotels and local railroad or other common carrier stations; (d) transportation of passengers to and from airports and passenger airline terminals when such transportation is incidental to transportation by aircraft; (e) transportation of passengers by trolley buses operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street railway service; (f) transportation by motor vehicles used exclusively for the transportation of passengers to or from religious services; (g) transportation of bona fide employees of an industrial plant to and from their regular employment; (h) transportation of passengers when the movement is within a town or municipality exclusively, or within contiguous towns or municipalities and within a residential and commercial zone adjacent to and a part of such town or muncipality or contiguous towns or municipalities; *provided,* the commission shall have power in its discretion, in any particular case, to fix the limits of any such zone.

Governmental purposes.

Taxicab service.

Hotel patrons.

Airline passengers.

Trolley busses.

Religious services.

Industrial employees.

Intra-municipal transportation.

"The commission shall have and retain jurisdiction to fix rates and charges of carriers operating under (e) and (h) of this paragraph, and shall have jurisdiction to hear and determine controversies with respect to extensions and services, and the commission's rules of practice shall include appropriate provisions for bringing such controversies before the commission and for the hearing and determination of the same, *provided* nothing in this paragraph shall include taxicabs.

ote ex rel. Utilities Commission v. Carolina Coach Co. 236 NC 583
1952

"(2) The commission may conduct investigations to determine whether any person or carrier purporting to operate under the exemption provisions of this Section is, in fact, so operating, and make such orders as it deems necessary to enforce compliance with this Section." Investigation of persons purporting to operate under exemptions.

"(3) None of the provisions of this Section nor any of the other provisions of this Act shall apply to motor vehicles used for the transportation of passengers to or from religious services and/or in the transportaton of bona fide employees of an industrial plant to and from places of their regular employment. Transportation to and from religious services and place of employment.

"(4) *Provided* that venue for any action commenced to enforce compliance with the terms of this Act against any person, firm or corporation purporting to operate under any of the exemptions provided in Section 5 shall be in one of the counties of the judicial district wherein the violation is alleged to have taken place and such person, firm or corporation shall be entitled to trial by jury. Venue of actions to enforce compliance.

SEC. 6. General powers and duties of the commission. The commission is hereby vested with power and it shall be its duty: General powers and duties of Commission.

(1) To supervise and regulate common carriers by motor vehicle and to that end the commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage, newspapers, mail, and light express, uniform system of accounts, records and reports and preservation of records: Regulation of common carriers by motor vehicle.

(2) To supervise and regulate contract carriers by motor vehicle, and to that end the commission may establish reasonable requirements with respect to uniform systems of accounts, records and reports and preservation of records. Regulation of contract carriers by motor vehicle.

(3) To supervise and regulate motor carriers, as defined in this Act, in all matters affecting the relationship between such carriers, or the relationship between such carriers and the public, in any manner necessary to promote harmony along such carriers, safety and efficiency of service to the public. Regulation of motor carriers as defined.

(4) To supervise the operation of passenger bus stations in any manner necessary to promote harmony among the carriers using such stations and efficiency of service to the traveling public. Operation of passenger bus stations.

(5) To transmit to the Legislature, from time to time, such recommendations as to additional legislation relating to such carriers as the commission may deem necessary. Recommendations to General Assembly.

(6) To prescribe qualifications and maximum hours of service of drivers and their helpers, and rules regulating safety of operation and equipment; and in the interest of uniformity of intrastate and interstate rules and regulations applicable within Qualifications and hours of service for employees.

the State of North Carolina with respect to maximum hours of service of vehicle drivers and their helpers, and safety of operation and equipment, the commission may adopt and enforce the rules and regulations adopted and promulgated by the Interstate Commerce Commission with respect thereto, in so far as the commission finds the same to be practical and advantageous for application in this State and not in conflict with this Act. In order to promote safety of operation of motor carriers, the commission may avail itself of the assistance of any other agency of the State having special knowledge of such matters and it may make such investigations and tests as may be deemed necessary to promote safety of equipment and operation of vehicles upon the highways.

Safety of operations and equipment.

Use of information provided by State Highway Commission.

(7) For the purpose of carrying out the provisions of this Act, the commission may avail itself of the special information of the State Highway and Public Works Commission in promulgating safety requirements and in considering applications for certificates or permits with particular reference to conditions of the public highway or highways involved, and the ability of the said public highway or highways to carry added traffic; and the State Highway and Public Works Commission, upon request of the commission, shall furnish such information.

Docket for pending proceedings.

(8) The commission shall maintain in its offices a docket of pending proceedings under this Act, separate from dockets of other proceedings, which docket shall at all times be open for public inspection and for the information of all persons having an interest therein. The commission shall cause to be filed and recorded in said docket of pending proceedings, immediately upon the institution thereof, the title of the proceedings, the names of the parties thereto, a brief description of the purpose thereof and any other information deemed to be material to the identification of any official file containing all the original pleadings, petitions and other official records pertaining thereto. The commission shall also maintain an official register in its offices, in which shall be recorded all general orders, rules, regulations, and requirements made and entered by the commission under the provisions of this Act, which register shall at all times be open for inspection by the public and any person having an interest therein. The commission may from time to time, and in its discretion, cause all of its general orders, rules, regulations and requirements promulgated under the provisions of this Act to be printed either separately or in conjunction with other official orders, rules, regulations and requirements of the commission promulgated by it as authorized by law, and to distribute the same for the information of the public and the guidance of all persons affected thereby.

Maintenance of official register.

Printing of general orders, etc.

Notice to carriers of contemplated action affecting rates, etc.

(9) Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one

or more motor carriers by name, the motor carrier or carriers to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given, by the commission, at least twenty days notice of the time and place when and where the contemplated action in the premises will be considered and disposed of, and such carriers shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, and shall have process to enforce the attendance of witnesses, to the end that justice may be done. Before the commission shall make or prescribe any general order, rule, regulation or requirement not directed against any specific motor carrier or carriers by name, the contemplated general order, rule, regulation or requirement shall first be published in substance not less than once each week for four consecutive weeks in one or more newspapers of general circulation published in the City of Raleigh, North Carolina, together with notice of the time and place when and where the commission will hear any objections which may be urged by any interested persons against the proposed order, rule, regulation or requirement, and shall forthwith record in its docket of pending proceedings a copy of such notice or description thereof sufficient to advise all interested persons of the time and place of such hearing and shall mail at least thirty days prior to such hearing, a copy of said notice to each motor carriers operating in this State under the provisions of this Act. Every such general order, rule, regulation or requirement made and entered by the commission shall be forewith recorded verbatim in its official register, showing thereon the effective date of such general order, rule, regulation or requirement which shall be not less than ten days subsequent to the entry thereof in said official register and shall also file a copy of same with the Secretary of State as required by Chapter 143, Article 18, General Statutes of North Carolina, of 1943. The commission may, without prior notice and hearing, make and enter any order, rule, regulation, or requirement, not affecting rates, charges, or tariffs, upon a unanimous finding by the commission of the existence of an emergency and order such order, rule, regulation or requirement in effect upon notice given to each affected motor carrier by registered mail, pending a hearing thereon as provided in this Subsection. Any such emergency order, rule, regulation or requirement shall be subject to continuation, modification, change, or revocation after notice and hearing as in this Section provided and all such emergency orders, rules, regulations, and requirements shall be supplanted and superseded by any final order, rule, regulation or requirement entered by the commission after such notice and hearing.

Hearing.

Publication of contemplated general order not directed against any specific carrier.

Entry upon docket of pending proceedings.

Copy to each carrier.

Recording in official register.

Copy filed with Secretary of State.

Emergency orders.

Hearing.

Final order after notice and hearing

(10) The commission shall also regulate brokers and make and enforce reasonable requirements respecting their licenses, financial responsibility, accounts, records, reports, operations and practices.

Regulation of brokers.

Investigation of complaints for failure by carriers to comply with provisions of Act.

(11) Upon complaint in writing to the commission by any person, organization, or body politic, or upon its own initiative without complaint, the commission may investigate whether any motor carrier has failed to comply with any provisions of this Act, or with any rate, charge, classification, order, rule, regulation or requirement prescribed or fixed by the commission pursuant thereto; and if the commission finds upon such investigation, after due notice and hearing that the motor carrier has failed to comply with any such provision of this Act, or with any such rate, charge, classification, order, rule, regulation or requirement prescribed or fixed by the commission pursuant thereto, the commission shall issue an appropriate order to compel the carrier to comply therewith. The commission may dismiss such complaint without investigation when it is of the opinion that the complainant does not state reasonable grounds for investigation and action on its part.

Inspection of motor vehicles and equipment used in transportation of passengers.

(12) The commission and its duly authorized inspectors and agents shall have authority at any time to enter upon the premises of any motor carrier, subject to the provisions of this Act, for the purpose of inspecting any motor vehicles and equipment used by such motor carriers in the transportation of passengers, and to prohibit the use by any motor carrier of any motor vehicle or parts thereof or equipment thereon adjudged by such agents and inspectors to be unsafe for use in the transportation of passengers upon the public highways of this State; and when such agents or inspectors shall discover any motor vehicle of such motor carrier in actual use upon the highways in the transportation of passengers to be unsafe or any parts thereof or any equipment thereon to be unsafe, such agents or inspectors may, if they are of the opinion that further use of such vehicle, parts or equipment are imminently dangerous, stop such vehicle and require the operator thereof to discontinue its use and to substitute therefor a safe vehicle, parts or equipment at the earliest possible time and place, having regard for both the convenience and the safety of the passengers. When an inspector or agent stops a motor vehicle on the highway, under authority of this Section, and the motor vehicle is in operative condition and its further movement is not dangerous to the passengers and to the users of the highways, it shall be the duty of the inspector or agent to guide the vehicle to the nearest point for substitution or correction of the defect. Such agents or inspectors shall also have the right to stop any motor vehicle which is being used upon the public highways for the transportation of passengers by a motor carrier subject to the provisions of this Act and to eject therefrom any driver or operator who shall be operating or be in charge of such motor vehicle while under the influence of intoxicating liquors. It shall be the duty of all inspectors and agents of the commission to make a written report, upon a form prescribed by the commission, of inspections of all motor equipment and a copy of each such written re-

Authority of agents and inspectors as to vehicles or parts found to be unsafe.

Authority with respect to drivers and operators.

Written reports by inspectors.

port, disclosing defects in such equipment, shall be served promptly upon the motor carrier operating the same, either in person by the inspector or agent or by mail. Such agents and inspectors shall also make and serve a similar written report in cases where a motor vehicle is operated in violation of the laws of this State or of the orders, rules and regulations of the commission. Except as provided in this Subsection safety rules and regulations shall be enforced as provided in Subsection (11).

General orders, rules and regulations of Commission.

(13) All general orders, rules, regulations and requirements promulgated by the commission prior to the enactment of this Act affecting motor carriers shall remain in full force and effect until revoked, modified, or changed as provided in this Subsection. Prior to October 1, 1949, the commission shall mail notice to all motor carriers subject to regulation under this Act and shall publish notice of time and place of hearing in one or more newspapers of general circulation published in the City of Raleigh, that the commission will at the time and place fixed in said notice consider and decide what revisions, modifications and changes in said general orders, rules, regulations and requirements are necessary to make the same comply with the provisions of the Act, or deemed reasonably necessary in the administration of this Act. Said orders, rules regulations, and requirements as amended, modified, changed or readopted shall then become effective on October 1, 1949. The commission may at the same time and place also consider and adopt such new general orders, rules, regulations and requirements as it may find necessary for the effective administration of this Act, but notice and hearing shall be provided with respect to any such new orders, rules, regulations or requirements, as provided in Subsection 9 of this Section.

Revisions and modifications to comply with provisions of Act.

New general orders necessary for administration of Act.

Issuance of certificates in lieu of outstanding certificates.

SEC. 7. Issuance of certificates in lieu of outstanding certificates. Notwithstanding any exemptions contained in Section 5 of this Act, it shall be the duty of the commission to issue a certificate, as a matter of course and without further proceedings, to any person holding a certificate issued by the commission prior to the effective date of this Act and in force on such date, granting to each such person the same operating rights held and exercised by it, under its outstanding certificate, including amendments thereto which have heretofore been or may hereafter be authorized by the commission on applications heard before the effective date of this Act, and such certificate shall be deemed issued until prepared and actually issued by the commission. Nothing in this Section shall relieve any common carrier from compliance with the provisions of Section 14, Section 15 and Section 16 within such reasonable time as the commission may require.

Issuance of permits to qualified contract carriers operating since January 1st, 1949.

SEC. 8. Issuance of permits to qualified contract carriers operating on and continuously since January 1st, 1949. (1) Generally. Subject to Section 14, Section 15 and Section 16, if any

carrier or predecessor in interest was in bona fide operation as a contract carrier by motor vehicle within twelve (12) months prior to the ratification of this Act, over the route or routes, or within the territory for which application is made under this Section, and has so operated since that time except for interruptions of service over which the applicant or its predecessor in interest had no control, the commission shall issue a permit to such carrier, if such carrier qualifies itself in the following manner.

Application for permit under section; contents of application.

(2) Duty of carrier. This Section shall not apply to a carrier unless the carrier shall before October 1, 1949, file with the commission on forms furnished by it an application under oath for a permit under this Section, giving such information and in such detail as the commission may require, including the following:

(a) The full name and address of each person owning an interest in the transportation business of the carrier.

(b) The make, type and carrying capacity of each vehicle, or other unit of equipment, owned, operated by, or licensed in the name of the carrier during the month of October, 1948, and at the time of filing application.

(c) A true copy of each contract in force on the date of such application between the carrier and the other contracting party or parties whom the carrier is serving. No such contract shall be open to inspection by other carriers or by the public, except by order of court, or by order of the commission in a proceeding involving the violation of some law or valid regulation of the commission in which such contract becomes material or in a proceeding conducted under this Section.

(d) A current balance sheet showing the assets, liabilities, and net worth of the carrier.

Burden of proof upon applicant.

(3) Duty of Commission. The burden shall be upon each applicant for a permit as a contract carrier under this Section to satisfy the commission that the applicant was operating as a contract carrier, as defined in this Act on October 1, 1948 and has continued to so operate since that time, seasonal service and unavoidable interruptions considered; and to that end the commission may require the applicant to furnish further supporting evidence in addition to that set forth in the application. The

Grounds for denial of permit.

commission may deny such permit upon a finding from substantial evidence that the applicant is unfit or otherwise disqualified to perform the service for which the application is made. Any

Protests.

motor carrier subject to the provisions of this Act may file protest to the issuance of a permit under this Section and in such event the application shall be set for hearing at a time and in a manner prescribed by the rules of the commission. When no protest is filed within the time as may be prescribed by the rules of

the commission, the commission may proceed to issue or decline to issue the permit without a hearing.

Issuance of temporary authority.

SEC. 9. Issuance of temporary authority. Upon the filing of an application in good faith for a permit, as provided in Section 8, the commission shall, pending its final decision on the application, issue to the applicant appropriate temporary authority to operate as a contract carrier by motor vehicle, under such just and reasonable conditions and limitations as the commission deems necessary or desirable to impose in the public interest; *provided, however*, that pending such final decision on the application, the applicant shall comply with all the provisions of this Act, and with the lawful orders, rules and regulations of the commission promulgated thereunder, applicable to holders of permits, and upon failure of an applicant so to do, after reasonable notice from the commission requiring compliance therewith in the particulars set out in the notice, and after hearing, the application may be dismissed by the commission without further proceedings, and the temporary authority issued to such applicant revoked.

Compliance by applicant with provisions of Act pending final decision.

Application for certificate or permit.

SEC. 10. Applications and hearings. (1) Except as otherwise provided in Section 5, Section 7 to Section 9, and Section 17, no person, after the effective date of this Act, shall engage in the transportation of passengers in intrastate commerce or continue in any such operations until and unless such person shall have applied to and obtained from the commission a certificate or permit authorizing such operations, and it shall be unlawful for any person knowingly or willfully to operate in intrastate commerce in any manner contrary to the provisions of this Act, or of the rules and regulations of the commission made pursuant thereto.

Form of application.

(2) Applications for certificates or permits shall be made to the commission in writing on forms furnished by the commission, shall be verified under oath by the applicant, and shall contain such information and in such form and detail as the commission may require.

Hearing on application.

(3) Upon filing of an application for a certificate or a permit, the commission shall, within a reasonable time fix a time and place for hearing such application. The commission shall cause notice of the time and place of hearing to be given by mail to the applicant, to other motor carriers holding certificates or permits to operate in the territory proposed to be served by the applicant, and to other motor carriers who have pending applications to so operate. The notice herein required shall be given at least twenty (20) days prior to the date fixed for such hearing, but the failure of any such person, other than applicant, to receive any such mailed notice shall not, for that reason, invalidate the action of the commission in granting or denying the application.

Notice of time and place for hearing.

Publication of notice of hearing.

(4) The commission shall cause notice of the time and place of such hearing, together with a brief description of the purpose of said hearing and the exact route or routes and authority applied for, to be published not less than once each week for two successive weeks in one or more newspapers of general circulation in the territory proposed to be served. A copy of the notice by mail, required by Subsection three (3) and a copy of the published notice required by this Subsection shall be forthwith recorded in the commission's docket of pending proceedings. In addition to the fees required to be paid by the applicant by the provisions of this Act, such applicant shall, prior to the hearing upon his application, be required to pay into the office of the commission the cost, as determined by the commission, of the notices herein required to be published or mailed by the commission.

Protests by other carriers.

(5) Any motor carrier desiring to protest the granting of an application for a certificate or permit, in whole or in part, may become a party to such proceeding by filing with the commission, not less than ten (10) days prior to the date fixed for the hearing, unless the time be extended by order of the commission, its protest in writing under oath, containing a general statement of the grounds for such protest and the manner in which the protestant will be adversely affected by the granting of the application, in whole or in part. Such protestant may also set forth in his protest its proposal, if any, to render, either alone or in conjunction with other motor carriers, the service proposed by the applicant, either in whole or in part. Upon the filing of such protest it shall be the duty of the protestant to file four copies with the commission, one of which copies the commission shall cause to be forthwith mailed to the applicant. The protestant shall be required, at the time of filing such protest, to pay into the office of the commission a filing fee of five dollars ($5.00). When no protest is filed with the commission within the time herein limited, or as extended by order of the commission, the commission may proceed to hear the application and make the necessary findings of fact and issue or decline to issue the certificate or permit applied for without further notice. Persons other than motor carriers shall have the right to appear before the commission and give evidence in favor of or against the granting of any application, and with permission of the commission may be accorded the right to examine and cross-examine witnesses. No certificate or permit shall be amended so as to enlarge or in any manner extend the scope of operations of a motor carrier without complying with the provisions of this Section.

Copies filed by protestant; filing fee.

Hearing on application.

Burden of proof, upon applicant for certificate.

(6) If the application is for a certificate, the burden of proof shall be upon the applicant to show to the satisfaction of the commission, (a) that public convenience and necessity requires the proposed service in addition to existing authorized transportation service, and (b) that the applicant is fit, willing and able to properly perform the proposed service, and (c) that the

applicant is solvent and financially able to furnish adequate service on a continuing basis.

Conditions for granting certificate on route served by previously authorized carrier.

(7) No certificate shall be granted to an applicant proposing to serve a route already served by a previously authorized motor carrier unless and until the commission shall find from the evidence that the service rendered by such previously authorized motor carrier or carriers on said routes is inadequate to meet the requirements of public convenience and necessity; and if the commission shall find that the service being rendered by such certificate holder or holders on said routes is inadequate to meet the requirements of public convenience and necessity, such certificate holder or holders who have protested the application as provided in Subsection (5) of this Section, shall be given reasonable time to remedy such inadequacy before any certificate shall be granted to an applicant proposing to operate on such routes, unless the commission finds that the previously authorized carrier, filing such protest, is either financially unable, or otherwise unqualified, or is unwilling to render, on a continuing basis, the service applied for or the service found by the commission to meet the requirements of public convenience and necessity. In all cases in which applications affect local intracity bus service the commission shall give consideration to all interests involved and make appropriate provision for the protection thereof, and to that end local intracity operators shall have the right to be heard as protestants, or intervenors, under such rules of practice as the commission may provide.

Transportation of baggage, newspapers, express parcels, etc.

(8) A certificate for the transportation of passengers may include authority to transport in the same vehicle with passengers the baggage of such passengers, newspapers, express parcels or United States mail when authorized so to do by the Government of the United States of America; or to transport baggage of passengers in a separate vehicle. The commission, in its discretion, may require through joint routes and rates for the transportation of newspapers and express parcels.

Charter parties.

(9) Common carriers by motor vehicle transporting passengers under a certificate issued by the commission may operate to any place in this State, pursuant to charter party or parties, trips originating on such common carriers' authorized routes or in the territory served by its routes under such reasonable rules and regulations as the commission may prescribe.

Applications for permit.

(10) If the application is for a permit, the commission shall give due consideration to (a) whether the proposed operations conform with the definition in this Act of a contract carrier, (b) whether the proposed operations will unreasonably impair the efficient public service of carriers operating under certificates, (c) whether the proposed service will unreasonably impair the use of the highways by the general public, (d) whether the applicant is fit, willing and able to properly perform the service

proposed as a contract carrier, (e) whether the proposed operations will be consistent with the public interest and the transportation policy declared in this Act, and (f) other matters tending to qualify or disqualify the applicant for a permit.

Amendment or modification of certificate or permit.

(11) After the issuance of a certificate or permit as provided in this Section, such certificate or permit may thereafter be amended, changed or modified, by requiring the holder to furnish more or less transportation service, or by changing the routes over which service has been authorized, or by imposing other reasonable terms, conditions, restrictions, and limitations as public convenience and necessity or reasonable regulation of bus traffic upon the highways may require; *provided,* that the procedure in all such cases as to notice and hearing shall be the same as provided in this Section for the issuance of a certificate or permit.

Discontinuance of authorized service.

(12) The commission shall by general order, or rule, having regard for the public convenience and necessity, provide for the abandonment or permanent or temporary discontinuance of transportation service previously authorized in a certificate.

Terms and conditions of certificate.

SEC. 11. Terms and conditions of certificate. Any certificate issued under this Act shall specify the service to be rendered and the routes over which, the fixed termini between which, and the intermediate points at which the motor carrier is authorized to operate; and there shall, at the time of issuance be attached to the privileges granted by the certificate such reasonable terms, conditions, restrictions, and limitations as the public convenience and necessity may require. The commission may, from time to time, rewrite a certificate previously authorized for the purpose of conforming the description of routes and services with changes which have been made resulting from changes made in the designation and location of highways or in changes made pursuant to amendments lawfully ordered by the commission.

Issuance of permits, terms and conditions.

SEC. 12. Issuance of permits, terms and conditions. The commission shall specify in the permit, or amendment thereto, the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance, such reasonable terms, conditions, and limitations consistent with the service of a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the commission under Section 6; *provided,* that no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, as the development of the business and the demands of the public may require.

Application for broker's license.

SEC. 13. Application for broker's license. (1) No person shall engage in the business of a broker in intrastate operations within this State unless such person holds a broker's license issued by the commission.

(2) The commission shall prescribe the form of application and such reasonable requirements and information as may in its judgment be necessary. Form of application.

(3) Upon the filing of an application for license the commission may fix a time and place for the hearing of the application and require such notices, publications, or other service as it may prescribe by general rule or regulation. Hearing.

(4) A license shall be issued to any qualified applicant therefor authorizing the whole or any part of the operations covered by the application if it is found that the applicant, is fit, willing and able properly to perform the service proposed and to conform to the provisions of this Act and the requirements, rules and regulations of the commission thereunder, and that the proposed service, to the extent to be authorized by the license, is or will be consistent with the public interest and policy declared herein. Conditions for issuance of license.

(5) The commission shall have the same authority over persons operating under and holding a brokerage license as it has over motor carriers under this Act, and shall require a broker to furnish bond or other security approved by the commission and sufficient for the protection of travelers by motor vehicle. Authority of Commission over brokerage operations.

SEC. 14. Issuance of partnership certificates or permits. No certificate or permit shall be issued under this Act to two or more individuals until such individuals shall have executed a partnership agreement and recorded the same in the office of the Clerk of the Superior Court in the county in which the principal office of the partnership is located, and filed a certified copy of such agreement with the commission. Issuance of partnership certificates or permits.

SEC. 15. The same or similar trade names prohibited. No carrier holding or operating under a certificate or permit issued under this Act shall adopt or use the same trade name used by any other such carrier, or the name of any corporation holding or operating under a certificate or permit, or any name so similar to the trade or corporate name of another carrier as to mislead or confuse the public, and the commission may, upon complaint, or upon its own initiative, in any such case require the carrier to discontinue the use of such trade name, preference being given to the carrier first adopting and using such trade name. Same or similar trade names prohibited.

SEC. 16. Dual Operations. From and after the effective date of this Act, unless the commission, in its discretion, finds that the public interest so requires, no person or any person controlling, controlled by, or under common control with such person, shall hold both a certificate as a common carrier and permit as a contract carrier. Dual operations.

SEC. 17. Emergency Operating Authority. To meet unforeseen emergencies, the commission may, upon its own initiative, or upon written request by any person, department or agency of the State, or of any county, city or town, with or without a hear- Emergency operating authority.

ing, grant appropriate authority to any owner of a duly licensed vehicle or vehicles, whether such owner holds a certificate or permit or not, to transport passengers, baggage, mail, newspapers and light express between such points, or within such area during the period of the emergency and to the extent necessary to relieve the same, as the commission may fix in its order granting such authority; *provided*, that unless the emergency is declared by the General Assembly or under its authority, the commission shall find from such request, or from its own knowledge of conditions, that a real emergency exists and that relief to the extent authorized in its order is immediate, pressing and necessary in the public interest, and that the carrier so authorized has the necessary equipment and is willing to perform the emergency service as prescribed by the order. In all cases, under this Section, the commission shall first afford the holders of certificates or permits operating in the territory affected an opportunity to render the emergency service. Upon the termination of the emergency the operating privileges so granted shall automatically expire and the commission shall forthwith withdraw all operating privileges granted to any person under this Section.

Finding of existence of emergency, and qualification of carrier.

Deviation from regular route operations.

SEC. 18. Deviation from regular route operations. A common carrier by motor vehicle operating under a certificate issued by the commission may occasionally deviate from the routes over which it is authorized to operate under the certificate, under such general or special rules and regulations as the commission may prescribe.

Liability and property damage insurance.

SEC. 19. Insurance. (1) The commission shall, in granting a certificate or permit, require the applicant to procure and file with the commission acceptable liability and property damage insurance in a company licensed to do business in this State; or, in lieu of such insurance may accept bond with solvent surety, on such motor vehicles to be used in such service, in such amount as the commission may determine, insuring passengers and the public receiving personal injury by reason of an act of negligence arising from the operation of any motor vehicle by the applicant upon the public highways of this State; and insuring the passengers and the public receiving personal injury by reason of any act of negligence arising from the operation of any motor vehicle by the applicant upon the route designated in the applicant's certificate or permit, whether such motor vehicle shall be specifically named, numbered or designated in the insurance policy or bond, or not, and whether such motor vehicle be in regular or temporary use by the applicant. Such policy, or bond, shall contain such other conditions, provisions and limitations as the commission may prescribe, and shall be kept in full force and effect.

Bond in lieu of insurance.

Attachment proceedings precluded.

(2) Before final judgment has been rendered by a court of competent jurisdiction, in any cause arising from the operation under any certificate or permit, no attachment shall lie against

motor vehicles used in such operation by any motor vehicle carrier, who has filed with the commission such damage liability policy, or bond, so long as such policy or bond is in full force and effect.

Liability of assurer.

(3) In any action in the courts arising out of damage to person or property, the assurer shall not be joined in the action against the assured; but upon final judgment against the assured, the assurer shall be liable within the limitations of the policy for the amount recovered and all court costs.

Uniform master insurance policy contracts.

(4) The commission may permit the filing by any licensed assurer of a uniform master insurance policy contract, the terms of which shall conform to the foregoing, and when approved and accepted by the commission, shall be applicable to all insurance policy contracts filed by such assurer for motor vehicle carriers under this Act, and thereafter, so long as the master policy contract shall remain in force, carriers under this Act may be permitted to file certificates, in such form as the commission may prescribe, evidencing fleet coverage under the term of such master policy instead of filing a separate individual policy contract in each case. The commission, when satisfied that passengers and the public will be fully protected against damage or loss, in the exercise of its discretion, may permit a common carrier or a contract carrier to become a self-insurer upon such terms and conditions as the commission may prescribe.

Bond of brokers.

(5) Brokers shall be required to file bond to cover financial responsibility not in excess of amounts required by the Interstate Commerce Commission.

Transfers of certificates and permits.

SEC. 20. Transfers of certificates and permits. No certificates or permit issued under the provisions of this Act shall be sold, assigned, pledged, transferred, or any rights thereunder leased, nor shall any merger or combination affecting any motor carrier be made through acquisition of control by stock purchases or otherwise, except after application to and written approval by the commission as in this Section provided. The applicant shall give not less than ten (10) days written notice of such application by registered mail to all connecting and competing carriers. When the commission is of the opinion that the transaction is consistent with the purposes of this Act, the commission may, in the exercise of its dicretion, grant its approval, *provided, however,* that when such transaction will result in a substantial change in the service and operations of any motor carrier party to the transaction, or will substantially affect the operations and services of any other motor carrier, the commission shall not grant its approval except upon notice and hearing as required in Section 10 upon an application for an original certificate or permit. In all cases arising under this Section it shall be the duty of the commission to require the successor carrier to satisfy the commission that the operating debts and ob-

Application for approval by Commission.

Requirements imposed on successor carrier.

ligations of the seller, assignor, pledgor, lessor or transferor, including taxes due the State of North Carolina or any political subdivision thereof are paid or the payment thereof is adequately secured. The commission may attach to its approval of any transaction arising under this Section such other conditions as the commission may determine are necessary to effectuate the purposes of this Act. It shall be considered against the policy declared in Section 2 for any person to obtain a certificate or permit for the purpose of transferring the same to another, and an offer of such transfer within one year after the same was obtained shall be prima facie evidence that such a certificate or permit was obtained for the purpose of sale.

Obtaining certificate for purpose of sale declared against policy of Act.

Suspension or revocation of certificates and permits.

SEC. 21. Suspension or revocation of certificates and permits. (1) The certificates and permits issued under the provisions of this Act shall be effective from the date issued unless otherwise specified therein, and shall remain in effect until terminated under the terms thereof, or until suspended or revoked as herein provided.

Revocation after notice and hearing for failure to comply with Act or orders of Commission.

(2) Any certificate or permit may be suspended or revoked, in whole or in part, upon complaint or upon the commission's own initiative, after notice and hearing, for willful failure to comply with any provision of this Act, or with any lawful order, rule, or regulation of the commission promulgated thereunder, or with any term, condition, or limitation of such certificate or permit; *provided, however*, that any such certificate or permit may be suspended or revoked by the commission upon notice to the holder or lessee thereof without a hearing for any one or more of the following causes:

Causes for revocation without hearing enumerated.

(a) For failure to comply with Section 19.

(b) For failure to file and keep on file with the commission applicable tariffs or schedules of charges as required in Section 22, Section 23 and Section 24.

(c) For failure to pay any gross receipt taxes, use or privilege taxes, due the State of North Carolina within six months after demand in writing from the agency of the State authorized by law to collect the same; *provided*, that this paragraph shall not apply to instances in which there is a bona fide controversy as to tax liability.

(d) For failure to begin operations as authorized by the commission within the time specified by order of the commission, or for suspension of authorized operations for a period of thirty (30) days without the written consent of the commission.

Rates and charges of common carriers.

SEC. 22. Rates and Charges of Common Carriers. (1) It shall be the duty of every common carrier of passengers by motor vehicle to establish reasonable through routes with other such common carriers and to provide safe and adequate service,

equipment, and facilities for the transportation of passengers; to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges and just and reasonble regulations and practices relating thereto, and to the issuance, form, and substance of tickets, the carrying of personal, sample and excess baggage, the facilities for transportation, and all other matters relating to or connected with the transportation of passengers; and in case of such joint rates, fares, and charges, to establish just, reasonable and equitable divisions, thereof as between the carriers participating therein which shall not unduly prefer or prejudice any such participating carriers.

Charges for transportation of passengers in intra-State commerce.

(2) All charges made for services rendered or to be rendered by any common carrier by motor vehicle in the transportation of passengers in intrastate commerce or in connection therewith shall be just and reasonable, and every unjust and unreasonable charge for such service, or any part thereof, is prohibited and declared to be unlawful. It shall be unlawful for any common carrier by motor vehicle engaged in intrastate commerce to make, give, or cause any undue or unreasonable preference or advantage to any particular person, place, locality, territory, or description of traffic, in any respect whatsoever, or to subject any particular person, place, locality, territory, or description of traffic, to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; *provided, however*, that this paragraph shall not be construed to apply to discrimination, prejudice, or disadvantage to the traffic of any other carrier of whatever description.

Complaints as to charges or other practices.

(3) Any person, State board, organization, or body politic may make complaint in writing to the commission that any such rate, fare, charge, classification, rule, regulation, or practice, in effect or proposed to be put into effect, is or will be in violation of this Section or of Section 23. Whenever, after hearing upon complaint or in an investigation on its own initiative, the commission shall be of the opinion that any individual or joint rate, fare, or charge, demanded, charged, or collected by any common carrier or carriers by motor vehicle or by any common carrier or carriers by motor vehicle in conjunction with any common carrier or carriers by railroad and/or express, and/or water, and/or air, or any classification, rule regulation, or practice whatsoever of such carrier or carriers affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful classification, rule, regulation, or practice thereafter to be made effective and the commission shall, whenever deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or

Power of Commission to determine and adjust unreasonable or discriminatory practices.

upon its own initiative without a complaint, establish through routes, and joint rates, fares, charges, regulations, or practices, applicable to the transportation of passengers by common carriers by motor vehicle, or the maxima or minima, or maxima and minima, to be charged, and the terms and conditions under which such through routes shall be operated.

Determination of equitable division of joint rates among several carriers.

(4) Whenever, after hearing, upon complaint or upon its own initiative, the commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation of passengers by common carriers in conjunction with common carriers by railroad and/or express, and/or water, and/or air are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto (whether agreed upon by such carriers, or any of them, or otherwise established), the commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers; and in cases where the joint rate, fare, or charge was established pursuant to a finding or order of the commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the commission may also by order determine what would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require, adjustment to be made in accordance therewith. The order of the commission may require the adjustment of divisions between the carriers, in accordance with the order, from the date of filing the complaint or entry of order of investigation or such other date subsequent as the commission finds justified and, in the case of joint rates prescribed by the commission, the order as to divisions may be made effective as a part of the original order.

Proposed schedules for new individual or joint rates, etc.

(5) Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, charge, or classification for the transportation of passengers by a common carrier or carriers by motor vehicle, or by any such carrier or carriers in conjunction with a common carier or carriers by railroad and/or express, and/or water and/or air or any rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the commission is hereby authorized and empowered upon complaint of any interested party or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the commission, by filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate, fare, or charge, or such rule, regulation,

Hearing, orders and decision by Commission.

or practice, but not for a longer period than one hundred eighty days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect; the commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change of rate, fare, or charge, or classification, rule, regulation, or practice shall go into effect at the end of such period. At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable.

Evidence of value of property, etc., not admissible.

(6) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier, there shall not be taken into consideration or allowed as evidence any elements of value of the property of such carrier, good will, earning power, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this part any such carrier shall be deemed to have agreed to the provisions of this paragraph, on its own behalf and on behalf of all transferees on such certificate.

Factors considered in determining rates and charges.

(7) In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of passengers by common carriers by motor vehicle, and classifications, regulations, and practices relating thereto, the commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such carriers, under honest, economical, and efficient management, to provide such service.

(8) Nothing in this Section shall be held to extinguish any remedy or right of action not inconsistent herewith.

Tariffs of common carriers.

SEC. 23. Tariffs of Common Carriers. (1) Every common carrier by motor vehicle shall file with the commission, and print, and keep open to public inspection, tariffs showing all the rates, fares, and charges for transportation, and all services in connection therewith, of passengers between points on its own route and points on the route of any such carrier, or on the route of any common carrier by railroad and/or express and/or water and/or air when a through route and joint rate shall have been established. Such rates, fares, and charges shall be stated in

terms of lawful money of the United States. The tariffs required by this Section shall be published, filed, and posted in such form and manner, and shall contain such information, as the commission by regulations shall prescribe; and the commission is authorized to reject any tariff filed with it which is not in consonance with this Section and with such regulations. Any tariff so rejected by the commission shall be void and its use shall be unlawful.

Conformity with rates specified in tariffs, required.

(2) No common carrier by motor vehicle shall charge or demand or collect or receive a greater or less or different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or broker or otherwise, any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation in intrastate commerce except such as are specified in its tariffs.

Proposed changes; notice.

(3) No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff of a common carrier by motor vehicle, except after thirty days' notice of the proposed change filed and posted in accordance with paragraph 1 of this Section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The commission may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this Section with respect to posting and filing of tariffs either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

Filing and publication of rates, etc.

(4) No common carrier by motor vehicle, unless otherwise provided by this Act, shall engage in the transportation of passengers unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this Act.

Schedule of charges of contract carriers.

SEC. 24. Schedule of charges of contract carriers. (1) It shall be the duty of every contract carrier to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of passengers or in connection therewith, and to establish and observe reasonable regulations and practices to be applied in connection with said reasonable minimum rates and charges. It shall be the duty of every contract carrier to file with the commission, publish, and keep open for public inspection, in the form and manner prescribed by the commission, schedules containing the minimum rates or

Schedule filed with Commission.

charges of such carrier actually maintained and charged for the transportation of passengers in intrastate commerce, and any rule, regulation, or practice affecting such rates or charges and the value of the service thereunder. No such contract carrier, unless otherwise provided by this Act, shall engage in the transportation of passengers in intrastate commerce unless the minimum charges for such transportation by said carrier have been published, filed, and posted in accordance with the provisions of this Act. No reduction shall be made in any such charge either directly or by means of any change in any rule, regulation, or practice affecting such charge or the value of service thereunder, except after thirty days' notice of the proposed change filed in the aforesaid form and manner, but the commission may, in its discretion and for the good cause shown, allow such change upon less notice, or modify the requirements of this paragraph with respect to posting and filing of such schedules, either in particular instances or by general order applicable to special or peculiar circumstances or conditions. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. No such carrier shall demand, charge, or collect a less compensation for such transportation than the charges filed in accordance with this paragraph, as affected by any rule, regulation, or practice so filed, or as may be prescribed by the commission from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge, accept, or receive less than the minimum charges so filed or prescribed; *provided*, that any such carrier or carriers, or any class or group thereof, may apply to the commission for relief from the provisions of this paragraph, and the commission may, after hearing, grant such relief to such extent and for such time, and in such manner as in its judgment is consistent with the public interest and the transportation policy declared in this Act.

Notice of proposed reduction.

Collection of less than minimum rate, etc., prohibited.

(2) Whenever, after hearing, upon complaint or upon its own initiative, the commission finds that any minimum rate or charge of any contract carrier by motor vehicle, or any rule, regulation, or practice of any such carrier affecting such minimum rate or charge, or the value of the service thereunder, for the transportation of passengers or in connection therewith, contravenes the transportation policy declared in this Act, or is in contravention of any provision of this Act, the commission may prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy and will not be in contravention of any provision of this Act. Such minimum rate or charge, or such rule, regulation, or practice, so prescribed by the commission, shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this Act, which the commis-

Authority of Commission to prescribe minimum rates, etc.

sion may find to be undue or inconsistent with the public interest and the transportation policy declared in this Act, and the commission shall give due consideration to the cost of the services rendered by such carriers, and to the effect of such minimum rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

Proposed schedule of charges for new services.

(3) Whenever there shall be filed with the commission by any such contract carrier any schedule stating a charge for a new service or a reduced charge, directly or by means of any rule, regulation, or practice, for the transportation of passengers in intrastate commerce, the commission is hereby authorized and empowered upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the commission, by filing with such schedule and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such charge, or such rule, regulation, or practice, but not for a longer period in the aggregate than one hundred eighty days beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period *provided* the carrier may voluntarily suspend such schedule, rule, regulation or practice for further periods beyond the one hundred eighty days and until the proceeding be concluded.

Hearing.

Interim orders.

Burden of proof upon carrier.

(4) At any hearing before the commission under this paragraph, the burden of proof shall be upon the carrier to show that the changed rate, fare, charge, or classification or rule, regulation or practice, or the proposed changed rate, fare, charge, or classification, or the proposed rule, regulation, or practice, is just and reasonable.

Accounts, records and reports.

SEC. 25. Accounts, records and reports. (1) The commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, brokers, and lessors (as defined in this Section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, brokers and lessors, specific and full, true, and correct answers to all questions upon which the commission may deem information to

be necessary. Such annual reports shall give an account of the affairs of the carrier, brokers, or lessor, in such form and detail as may be prescribed by the commission. The commission may also require any motor carrier or broker to file with it a true copy of any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this Act. The commission shall not, however, make public any contract, agreement, or arrangement under the terms of which a contract carrier undertakes to transport passengers, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest; *provided*, that if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier as required by Section 24, the commission may, in its discretion, make public such of the provisions of the contract as the commission considers necessary to disclose such failure and the extent thereof.

Annual reports.

(2) Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the commission shall specify a different date, and shall be made out under oath and filed with the commission at its office in Raleigh within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission. Such periodical or special reports as may be required by the commission under paragraph 1 hereof shall also be under oath, whenever the commission so requires.

Periodical or special reports.

Forms to be prescribed by Commission.

(3) The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers, brokers, and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys; and it shall be unlawful for such carriers, brokers, and lessors, to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the commission with respect thereto. The commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, stubs, correspondence, or documents of motor carriers, brokers, or lessors, as may after a reasonable time be destroyed, and prescribing the length of time they shall be preserved. The commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, brokers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, brokers, and lessors, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier, as

Inspection and examination of properties.

Inspection of accounts and records.

the commission deems relevant to such person's relation to or transactions with such carrier. Motor carriers, brokers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and motor carriers, brokers, and lessors, shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, auditor, inspector, or examiner of the commission upon demand and the display of proper credentials.

Certain terms defined.

(4) As used in this Section, the words "keep", and "kept" shall be construed to mean made, prepared, or compiled, as well as retained; the term "lessor" means a lessor of any right to operate as a motor carrier; and the term "motor carrier," "broker," or "lessor," includes a receiver or trustee of any such motor carrier, broker, or lessor.

Orders, notices and service of process.

SEC. 26. Orders, notices and service of process. (1) It shall be the duty of every motor carrier operating under a certificate or permit issued under the provisions of this Act to file with the commission a designation in writing of the name and post office address of a person upon whom or which service of notices or orders may be made under this Act. Such designation may from time to time be changed by like writing similarly filed. Service of notices or orders in proceedings under this Act may be made upon a motor carrier by personal service upon it or upon the person so designated by it, or by registered mail, return receipt requested, addressed to it or to such person at the address filed. In proceedings before the commission involving the lawfulness of rates, charges, classifications, or practices, service of notice upon the person or agent who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier.

Designation of process agent.

Service of notices and orders.

Free transportation.

SEC. 27. Free transportation. No carrier shall, directly or indirectly, issue, give, tender, or honor any free fares except to its bona fide officers, agents, commission agents, employees, and members of their immediate families, and such persons as the commission may designate in its employ, or the employ of the motor vehicle department for the inspection of equipment and supervision of traffic upon the highways of the State: *Provided*, that motor carriers under this Act may exchange free transportation within the limits of this Section.

Depots and stations.

SEC. 28. Depots and stations. Upon notice and hearing and upon a finding by the commission that public convenience and necessity so requires, the commission is authorized and empowered to compel any motor carrier operating under the provisions of this Act and serving any municipality or town to establish and maintain a passenger depot or station for the security, accommodation and convenience of the traveling public. When two or more carriers operating under the provisions of this Act shall

serve any municipality or town, the commission is authorized and empowered to require such carriers to establish and maintain a union passenger depot or station for the security, accommodation and convenience of the traveling public, and to unite in the joint undertaking and expense of securing, erecting, constructing and maintaining such union passenger depots or station, commensurate with the business and revenue of such motor carriers, on such terms, regulations, provisions and conditions as the commission shall prescribe: *Provided*, that, whenever the commission shall require that a union depot or station shall be provided, it shall first allow the carriers required to provide such station, an opportunity to submit to the commission for approval any agreement between or among such carriers for the securing, construction, maintenance and operation of such station or depot. The commission shall approve such agreement or agreements, if the same be, in the commission's discretion, reasonable and just and in the public interest.

Union passenger stations.

Agreements for maintenance of union station.

SEC. 29. Separation of races. The commission shall require every common carrier by motor vehicle to provide separate but substantially equal accommodations for the white and colored races at passenger stations or waiting rooms where the carrier receives passengers of both races, and on all common carriers by motor vehicles operating on a route or routes over which such carrier transports passengers of both races. *Provided* that any requirement as to separate accommodation for the races shall not apply to specially chartered motor vehicles or to negro servants and attendants and their employers, or to officers or guards transporting prisoners.

Separation of races.

SEC. 30. Unlawful operation. (1) Any person, whether carrier, or any officer, employee, agent or representative thereof, knowingly and willfully violating any provision of this Act or any rule, regulation, requirement, or order thereunder, or any term of condition of any certificate or permit, for which a penalty is not otherwise herein provided, shall be guilty of a misdemeanor, and upon conviction thereof be fined not more than one hundred dollars ($100.00) for the first offense and not more than five hundred dollars ($500.00) for any subsequent offense.

Unlawful operation.

Violations made misdemeanor; penalty.

(2) If any motor carrier, or any other person or corporation, shall operate a motor vehicle for the transportation of passengers for compensation in violation of any provision of this Act, except as to the reasonableness of rates or charges and the discriminatory character thereof, or shall operate in violation of any rule, regulation, requirement or order of the commission, or of any term or condition of any certificate or permit, the commission or any holder of a certificate or permit duly issued by the commission may apply to the resident Superior Court Judge of any judicial district where such motor carrier or other person or corporation so operates, or to any Superior Court Judge holding court in such judicial district, for the enforcement of

Jurisdiction of Superior Court in enforcement of provisions of Act.

any provision of this Act, or of any rule, regulation, requirement, order, term or condition of the commission. Such court shall have jurisdiction to enforce obedience to this Act or to any rule, order, or decision of the commission by a writ of injunction or other process, mandatory or otherwise, restraining such carrier, person or corporation, or its offices, agents, employees and representatives from further violation of this Act or of any rule, order, regulation, or decision of the commission.

Acceptance of rebates, false statements, etc., made misdemeanor.

(3) Any person, whether carrier, passenger, shipper, consignee, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this Act, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, shall knowingly and willfully by any such means or otherwise fraudulently seek to evade or defeat regulations as in this Act provided for motor carriers, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than five hundred dollars ($500.00) for the first offense and not more than two thousand dollars ($2,000.00) for any subsequent offense.

Divulgence of certain information prohibited.

(4) It shall be unlawful for any special agent, accountant, auditor, inspector, or examiner to knowingly and willfully divulge any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of Section 25 of this Act, except as he may be directed by the commission or by a court or judge thereof. Nothing in this Act shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the State or of the government of the United States, in the exercise of his power, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

Failure to make reports, maintain records, etc., made misdemeanor.

(5) Any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the commission as required by this Act, or other applicable law, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make true, and correct entries in such accounts, records,

or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this Act to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the commission with respect thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not more than five thousand dollars ($5,000.00). As used in this Subsection the words "kept" and "keep" shall be construed to mean made, prepared, or compiled, as well as retained. It shall be the duty of the commission to prescribe and enforce such general rules and regulations as it may deem necessary to compel all motor carriers to keep accurate records of all revenue received by them to the end that any tax levied and assessed by the State of North Carolina upon revenues may be collected. Any agent or employee of a motor carrier who shall willfully and knowingly make a false report or record of fares, charges, or other revenue received by a carrier or collected in its behalf shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Penalty.

Records of revenue received, etc.

SEC. 31. Evidence: Joinder of surety. No report by any motor carrier of any accident arising in the course of the operations of such carrier, made pursuant to this Act or to any requirement of the commission, and no report by the commission of any investigation of any such accident, shall be admitted as evidence, or used for any other purpose in any suit or action for damages growing out of any matter mentioned in such report or investigation; nor shall the discharge by any carrier of any vehicle driver or other employee after any such accident be offered or admitted in evidence for any purpose in any suit or action against such carrier for damages arising out of any such accident. No evidence of any policy, bond or other security required under Section 19 shall be offered or received in any such action or suit against a motor carrier, but the surety or insurer shall be obligated within the amount of such policy, bond or other security to pay any final judgment against the carrier.

Evidence: Joinder of surety.

SEC. 32. Interstate carriers. (1) Except in so far as the provisions of this Act may be inconsistent with, or shall contravene, the constitution and laws of the United States this Act shall apply to persons and vehicles engaged in interstate commerce over the highways of this State; and the commission may, in its discretion, require such carriers to file with it copies of their respective interstate authority, registration of their vehicles operated in this State, and the observance of such reasonable rules and regulations as the commission may deem advisable in the administration of this Act and for the protection of persons and property upon the highways of this State.

Interstate carriers.

Joint hearings with authorities of other states.

(2) The commission or its authorized representative is authorized to confer with and hold joint hearings with the authorities of other states or with the Interstate Commerce Commission or its representatives in connection with any matter arising under this Act, or under the Federal Motor Carrier Act, which may directly or indirectly affect the interests of the people of this State or the transportation policy declared by this Act.

Fees and charges.

SEC. 33. Fees and charges. The following fees and charges shall be paid to the commission under the provisions of this Act:

(1) Twenty-five dollars ($25.00) with each application for a certificate or permit, and with each application for the amendment to a certificate or permit for new or additional operating rights, but credit shall be given for fees paid on applications filed under the existing law and heard after this Act becomes effective.

(2) Ten dollars ($10.00) for each application for approval of a sale, assignment, pledge, hypothecation, transfer of a certificate or permit, or lease of any right or interest under a certificate or permit, or for any approval of any merger combination or change of control of the operating rights under a certificate of permit through stock transfer or otherwise.

(3) One dollar ($1.00) for registration of each motor vehicle of a certificate or permit holder added to its rolling equipment after the effective date of this Act.

(4) Twenty-five cents ($.25) for annual re-registration of each motor vehicle operated by a certificate or permit holder.

(5) Twenty-five dollars ($25.00) filing fee for each broker and twenty-five dollars ($25.00) each year thereafter for each such broker in addition to any other tax or fee provided by law.

Fees received by commission paid into State treasury.

(6) Such reasonable charges for copies of transcripts of testimony, or for copies of other papers, records, or documents, or for certifying records, as the commission shall prescribe in its rules of practice and procedure. All fees and charges received by the commission under this Section shall be in addition to any other tax or fee provided by law and shall be paid forthwith to the State Treasurer.

Utilities Commission procedure Act of 1949.

SEC. 34. Appeals, applicability of Utilities Commission Procedure Act of 1949. Except as otherwise provided in this Act, the Utilities Commission Procedure Act of 1949, shall apply to and govern the procedure in all cases and proceedings before the commission arising under this Act, including appeals from the commission's orders and decisions.

Construction of Act.

SEC. 35. Construction of this Act. Nothing herein contained shall be construed to relieve any motor carrier, as herein defined, from any regulation otherwise imposed by law or lawful

authority, and this Act shall not be construed to relieve any such motor carrier from any obligation or duty imposed by Chapter 20 of the General Statutes of North Carolina of 1943 as amended.

Allocation of funds.

SEC. 36. Allocation of funds. Sufficient funds shall be provided in the budget and allocated to the commission to be disbursed under the supervision of the Director of the Budget for the administration and enforcement of the provisions of this Act, including the employment of such additional personnel as may be required for that purpose.

Partial invalidity section.

SEC. 37. Unconstitutionality. If any Section, sentence, clause, or phrase of this Act shall, for any reason be held invalid by the courts, such decision shall not affect the validity of any other portion of this Act not involved in such decision.

Inconsistent Acts.

SEC. 38. Inconsistent Acts. This Act regulating motor carriers of passengers, mail and light express and Chapter 1008, Public Laws of 1947, now Article 6a, Chapter 62, General Statutes of North Carolina of 1943, regulating motor carriers of property shall be construed as superseding Article 6, Chapter 62 of the General Statutes of North Carolina of 1943 and said Article 6 is hereby repealed. All other Acts or parts of Acts relating to motor carriers as defined in this Act and in conflict or inconsistent with this Act are hereby repealed to the extent of such conflict or inconsistency.

Ch. 532, Public Laws, 1947, unaffected by Act.

SEC. 39. Chapter 532 of the Public Laws of 1947 entitled "An Act to Authorize the Board of Commissioners of Cabarrus County to License and Regulate All Vehicles operated for hire in Unincorporated Cities and Towns in Said County" shall remain in full force and effect.

Effective date.

SEC. 40. Effective date. That this Act shall be in full force and effect from and after October 1st, 1949, except that Subsection 13 of Section 6 shall become effective upon ratification of this Act, *provided, however*, this Act shall not apply to any proceeding which has been heard and is awaiting a decision of the commission or in which the commission has entered its decision or order prior to the effective date.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 645 CHAPTER 1133

AN ACT TO AMEND SECTION 130-39 OF THE GENERAL STATUTES TO CONFER UPON SANITARY DISTRICTS CERTAIN ADDITIONAL POWERS RELATING TO THE PUBLIC HEALTH AND WELFARE.

The General Assembly of North Carolina do enact:

G. S. 130-39, corporate powers of Sanitary Districts, amended, to confer additional powers.

SECTION 1. Section 130-39 of the General Statutes is hereby amended by adding at the end thereof a new Subsection to be numbered Subsection 19 and to read as follows:

19. To make rules and regulations in the interest of and for the promotion and protection of the public health and the welfare of the people within the sanitary district, and for such purposes to possess the following powers:

Connection with district systems.

(a) To require any person, firm or corporation owning, occupying or controlling improved real property within the district to connect with the water and/or sewage systems of the district.

Installation of sanitary facilities.

(b) To require any person, firm or corporation owning, occupying or controlling improved real property within the district where the water or sewage systems of the district are not immediately available or it is impractical to connect therewith to install sanitary toilets, septic tanks and other health equipment or installations.

Abatement of nuisance.

(c) To require any person, firm or corporation to abate any nuisance detrimental or injurious to the public health of the district.

Regulation of pig sties and stock yards.

(d) To abolish, regulate and control the use and occupancy of all pig sties and other animal stockyards or pens within the district and for an additional distance of 500 feet beyond the outer boundaries of the district, unless such 500 feet to be within the corporate limits of some city or town.

Notice of non-compliance.

(e) That upon the non-compliance by any person, firm or corporation of any rule and regulation promulgated and enacted hereunder, the district sanitary board shall cause to be served upon the person, firm or corporation who fails to so comply a notice setting forth the rule and regulation and wherein the same is being violated, and such person, firm or corporation shall have at least thirty days from the service of such notice in which to comply with such rule and regulation. The sanitary district board is authorized to grant, in its discretion, additional time for compliance.

Penalty for failure to comply.

(f) Upon failure to comply with such rule and regulation within thirty days as directed in said notice or within the time extended by the sanitary district board, such person, firm or

corporation shall be guilty of a misdemeanor and fined and imprisoned in the discretion of the court.

(g) The sanitary district board is authorized to enforce the rules and regulations enacted or promulgated hereunder by criminal action or civil action, including injunctive relief. Civil relief in addition to criminal remedies.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 708 CHAPTER 1134

AN ACT PROVIDING FOR NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF BLADEN COUNTY BY DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of nominating members of the County Board of Education of Bladen County, the county shall be divided into five districts, designated as follows: District No. 1 shall be composed of the Townships of Bladenboro and Abbottsburg; District No. 2 shall be composed of the Townships of Elizabethtown, Bethel and Hollow; District No. 3 shall be composed of the Townships of Carvers Creek, Whites Creek and Brown March; District No. 4 shall be composed of the Townships of White Oak, Cypress Creek, Turnbull and Central; and District No. 5 shall be composed of the Townships of Frenches Creek, Lake Creek and Colly. Bladen County; nomination of members of Board of Education by districts.

SEC. 2. That at the primary election for County Officers of Bladen County to be held in the year 1950, and every two years thereafter, there shall be nominated by each of the political parties of Bladen County a member of the Board of Education for each of the five districts designated in Section 1 of this Act, under the same rules and regulations prescribed for the nomination of other county officers of Bladen County: *Provided, however,* that in every primary election there shall be nominated under the rules and regulations of the general election law one member of the Board of Education from each of the five districts designated in Section 1 of this Act, such nominees to be residents of the district for which they offer themselves as candidates for member of the Board of Education, and shall be voted for in said primary election and at the general election by the electors of the county at large. Candidate from each district nominated by political parties. Election by county at large.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 873 CHAPTER 1135

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BEAUFORT COUNTY TO INCREASE THE SALARIES OF THE JUDGES OF THE RECORDERS COURTS OF WASHINGTON, BELHAVEN AND AURORA IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Beaufort County; salary of Judge, Washington Recorders Court.

SECTION 1. The Board of County Commissioners of Beaufort County is hereby authorized in its discretion to increase the salary of the Judge of the Washington Recorder's Court in Beaufort County in such amount, if any, as it may deem proper, not exceeding, however, the sum of Two Hundred Dollars ($200.00) per month.

Belhaven Recorders Court, salary of Judge.

SEC. 2. The Board of County Commissioners of Beaufort County is hereby authorized in its discretion to increase the salary of the Judge of the Belhaven Recorder's Court in Beaufort County in such amount, if any, as it may deem proper, not exceeding, however, the sum of One Hundred Dollars ($100.00) per month.

Aurora Recorders Court, salary of Judge.

SEC. 3. The Board of County Commissioners of Beaufort County is hereby authorized in its discretion to increase the salary of the Judge of the Aurora Recorder's Court in Beaufort County in such amount, if any, as it may deem proper, not exceeding, however, the sum of Seventy-Five Dollars ($75.00) per month.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after May 1, 1949.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 879 CHAPTER 1136

AN ACT TRANSFERRING THE RESPONSIBILITY FOR THE GUARDING AND DISCIPLINING OF TUBERCULAR PRISONERS OR CONVICTS TO THE STATE PRISON DIVISION OF THE NORTH CAROLINA HIGHWAY AND PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. Sections 131-88 and 131-89 of the General Statutes of North Carolina are rewritten to read as follows:

G. S. 131-88, care of tubercular prisoners in sanatorium, amended.

"SEC. 131-88. Care and safekeeping of convicts. The Prison Division of the State Highway and Public Works Commission shall have the same powers, duties and responsibilities in the guarding and disciplining of tubercular prisoners or convicts as it now has as to other prisoners and inmates under its supervision and control.

Custodial care transferred to Prison Division.

G. S. 131-89, amended.

"SEC. 131-89. The North Carolina Sanatorium for the treatment of tuberculosis shall provide food for the prison staff and have the same duties and responsibilities in providing medical and dietetic treatment and care of the inmates of said sanatorium for the treatment of tubercular prisoners or convicts as it had prior to the passage of this Act."

Medical care provided by Sanatorium.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 905 CHAPTER 1137

AN ACT TO AMEND SECTIONS 128 AND 135 OF CHAPTER 143 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO PUBLIC BUILDING CONTRACTS.

The General Assembly of North Carolina do enact:

G. S. 143-128, relating to public building contracts, amended.

SECTION 1. That Section 128 of Chapter 143 of the General Statutes of North Carolina is hereby amended by striking out the word "ten" in line 6 after the word "exceed" and before the word "thousand" in line 7, and by inserting in lieu thereof the word "fifteen"; and by adding at the end of said Section a new sentence to read as follows: "When the estimated cost of work to be performed in any single subdivision is less than one thousand dollars ($1,000.00), the same may be included in one of the several other contracts, irrespective of total project cost."

Separate contracts for heating, plumbing, etc., permissive.

G. S. 143-135, amended.

SEC. 2. Section 143-135 of the General Statutes of North Carolina is hereby stricken out and the following substituted therefor:

Limitation on application of article.

"SEC. 143-135. Limitation of Application of Article.—This Article shall not apply to the State or to subdivisions of the State of North Carolina in the expenditure of public funds where the total cost of any repairs, completed project, building or structure, shall not exceed the sum of fifteen thousand dollars ($15,000.00)."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 928 CHAPTER 1138

AN ACT TO AUTHORIZE THE NORTH CAROLINA INDUSTRIAL COMMISSION TO HEAR AND DETERMINE CERTAIN TORT CLAIMS AGAINST STATE DEPARTMENTS AND AGENCIES.

The General Assembly of North Carolina do enact:

Industrial Commission empowered to hear and determine tort claims against State.

SECTION 1. The North Carolina Industrial Commission, created by General Statutes 97-77, is hereby constituted a court for the purpose of hearing and passing upon certain claims, a list of which is hereinafter set out, against the State Board of Education and other State departments, institutions and agencies. The said Commission shall determine whether or not each individual claim arose as a result of the negligent action of a State employee while acting within the scope of his authority and without contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted. If the Commission finds that there was such negligence on the part of a State employee, while acting within the scope of his authority, which was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages which the claimant is entitled to be paid, including medical and all other expenses, but in no event to exceed the sum of $6,000.00. Upon determination of said claim the said Commission shall notify all parties concerned in writing of its decision, and either party shall have seven days after receipt of such notice within which to file notice of appeal with the Industrial Commission. Such

Limitation on amount of awards.

appeal shall be heard by the Industrial Commission, sitting as a full Commission, on the basis of the record in the matter and upon oral argument of the parties, and said full Commission may amend, set aside, or strike out the decision of the Hearing Commissioner and may issue its own findings of fact and conclusions of law. Upon determination of said claim by the Industrial Commission, sitting as a full Commission, the Commission shall notify all parties concerned in writing of its decision, and said decision of the full Commission shall be final, binding, and conclusive as to all matters of fact and law, and no further appeal shall be allowed therefrom. Any claim hereinafter listed may be settled upon agreement between the claimant and the State department, institution, or agency involved without formal hearing, *provided* said settlement meets with the approval of the office of the Attorney General of North Carolina and the North Carolina Industrial Commission.

Appeals from decision of hearing commissioner to full commission.

Decision of full commission conclusive and binding.

Settlement of claims upon approval of Attorney General.

SEC. 2. The members of the Industrial Commission or a deputy thereof shall have authority to administer oaths, subpoena witnesses, and punish for contempt. The Industrial Commission shall have authority to appoint deputies and clerical assistants if and when found necessary by the full Commission, and such deputies shall have the same power and authority to hear and take testimony in the claims herein set forth as is granted to deptuies of the Commission by General Statutes 97-79 (b) and General Statutes 97-84. Such deputies shall also have the same power and authority in cases under the Workmen's Compensation Act as the deputies referred to in General Statutes 97-79 (b) and General Statutes 97-84.

Authority to administer oaths, subpoena witnesses, etc.

Appointment of deputies and clerical assistants.

SEC. 3. There is hereby appropriated out of the General Fund of the State the sum of eight thousand seven hundred dollars ($8,700.00) for the use of the Industrial Commission in defraying salaries, travel and other expenses incurred in carrying out this Act.

Appropriation for purposes of Act.

SEC. 4. That the claims hereinbefore referred to against the State Board of Education and the amounts of said claims are as follows:

Claims against the State Board of Education.

CLAIMANT	UNIT	COUNTY	AMOUNT
F. C. Dillard, Glendale Springs, N. C.	Ashe County Schools	Ashe	$ 158.53
Robert Colvard, West Jefferson, N. C.	Ashe County Schools	Ashe	195.55
Harrison Shepard, Crumpler, N. C.	Ashe County Schools	Ashe	44.60
J. C. Hinson, Candler, N. C.	Buncombe County Schools	Buncombe	34.00

Claims against the State Board of Education (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
H. McKenzie, 4 Cedarcliff Road, Biltmore, N. C.			
	Buncombe County Schools		
	John T Harris, Driver	Buncombe	$ 161.66
W. G. Allen, Jr., Barnardsville, N. C.			
	Buncombe County Schools		
	Arthur Wm. Early, Driver	Buncombe	178.89
Clayton Mann, R. 3, Candler, N. C.			
	Buncombe County Schools		
	Troy Hawkins, Driver	Buncombe	32.50
David Nesbitt, Fairview, N. C.			
	Buncombe County Schools		
	Homer Laughter, Driver	Buncombe	40.98
Paul Lance, Skyland, N. C.			
	Buncombe County Schools	Buncombe	56.14
S. W. Norville, Box 72, Kannapolis, N. C.			
	Rowan County Schools		
	Louise Weaver, Driver	Rowan	75.09
P. W. Majette, Grimesland, N. C.			
	Pitt County Schools		
	Grimesland School Bus	Pitt	21.00
N. L. McGimsey, Nebo, N. C.			
	McDowell County Schools	McDowell	244.60
Carl Parker, Old Ford, N. C.			
	McDowell County Schools	McDowell	35.00
William Herbert Judge, R. 2, Wallace, N. C.			
	Duplin County Schools		
	William A. James, Driver	Duplin	475.00
Thomas Parrott Moore, Wilson, N. C.			
	Edgecombe County Schools		
	Bus 53, Jimmy Ivey, Driver	Edgecombe	2,403.25
R. V. Core, R. 2, Benson, N. C.			
	Johnston County Schools	Johnston	332.18
Walter Livermon, Murfreesboro, N. C.			
	Hertford County Schools		
	R. D. Chitty, Driver	Hertford	74.33
W. Joe Mitchell, Ahoskie, N. C.			
	Hertford County Schools		
	Henry Dilday, Driver	Hertford	61.63
Ernest C. Allen, 310½ S. Road Street Elizabeth City, N. C.			
	Hertford County Schools		
	Alvester Whitaker, Driver	Hertford	72.18
J. H. Nichols, Box 98, Hudson, N. C.			
	Caldwell County Schools	Caldwell	41.25

Claims against the State Board of Education (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
Mrs. Marvin Ogle, R. 2, Granite Falls, N. C.			
	Caldwell County Schools	Caldwell	$ 10.00
Roy G. Andrews, R. 1, Lenoir, N. C.			
	Caldwell County Schools		
	Kings Creek Bus #20	Caldwell	200.00
Robert Lee Whisnant, 402 Broadway Street Lenoir, N. C.			
	Caldwell County Schools		
	Collettsville Bus #48	Caldwell	256.55
Everett Clarke, Lenoir, N. C.			
	Caldwell County Schools		
	Gamewell Bus #49	Caldwell	316.50
Hedrick Gragg, 124 N. Mulberry Street Lenoir, N. C.			
	Caldwell County Schools		
	Hudson Bus	Caldwell	11.00
Mrs. M. L. Christopher, R. 2, Granite Falls, N. C.			
	Caldwell County Schools		
	Granite Falls Bus #34	Caldwell	18.00
Paul Cannon, R. 3, Lenoir, N. C.			
	Caldwell County Schools	Caldwell	57.50
J. P. Rostan, Valdese, N. C.			
	Burke County Schools	Burke	238.00
Carl Brittain, Morganton, N. C.			
	Burke County Schools	Burke	320.00
Ernest Chapman, Morganton, N. C.			
	Burke County Schools	Burke	30.00
Mrs. William Avery, Morganton, N. C.			
	Burke County Schools	Burke	12.00
M. Goodman, Morganton, N. C.			
	Burke County Schools	Burke	30.00
William Charles Myers, Hayes, N. C.			
	Wilkes County Schools	Wilkes	10,000.00
T. E. Storey, Wilkesboro, N. C.			
	Wilkes County Schools	Wilkes	33.97
Gilbert E. Dancy, Wilkesboro, N. C.			
	Wilkes County Schools	Wilkes	489.93
Marvin D. Hoffman, Wilkesboro, N. C.			
	Wilkes County Schools	Wilkes	36.82
William Adams, Ronda, N. C.			
	Wilkes County Schools	Wilkes	43.10
M. G. Baker, Wilkesboro, N. C.			
	Wilkes County Schools	Wilkes	12.00

Claims against the State Board of Education (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
Fred Scott, Wilkesboro, N. C.	Wilkes County Schools	Wilkes	$ 124.47
Paul Sexton, Elkins, N. C.	Wilkes County Schools	Wilkes	40.00
Sam H. Hollbrook, Traphill, N. C.	Wilkes County Schools	Wilkes	25.00
Roy Stout, Reese, N. C.	Watauga County Schools	Watauga	46.00
W. A. Taylor, Aulander, N. C.	Pasquotank County Schools Fannie Jones, Driver	Pasquotank	424.49
D. V. Lanier, Box 76, Durham, N. C.	Durham County Schools Walkins, Driver	Durham	80.35
Overnite Transportation Co., Richmond, Va.	Wake County Schools William Forest, Driver	Wake	142.31
Charles Orchard	Wake County Schools Earl Jones, Driver	Wake	50.65
W. D. Holmes Wholesale Grocery Company, Inc. Edenton, N. C.	Washington County Schools Bus #2	Washington	504.90
V. I. Bass, Box 231, Seaboard, N. C.	Northampton County Schools	Northampton	141.10
Mrs. Edna Wheeler Flowers, Marion, N. C.	McDowell County Schools Junior McKinney, Driver	McDowell	48.24
A. W. Langley, Jacksonville, N. C.	Onslow County Schools	Onslow	49.04
Grant W. Jefferies, Jacksonville, N. C.	Onslow County Schools	Onslow	12.50
Harold Cavanaugh, Minor	Onslow County Schools	Onslow	50.00
George A. Lupton, Lowland, N. C.	Pamlico County Schools Charles Lewis, Driver	Pamlico	5.50
P. D. Nicholson, R. 6, High Point, N. C.	Forsyth County Schools	Forsyth	350.00

CLAIMANT	UNIT	COUNTY	AMOUNT
Dan E. Walton	State Department Education M. D. Thornbert, Driver	Durham	$ 83.21
N. C. Calhoun, Charlotte, N. C.	Jones County Schools Odel Dillahunt, Driver	Jones	19.26
New River Bottlers & Distributors, Inc. Jacksonville, N. C.	Onslow County Schools	Onslow	335.67
Hoy E. Phillips, Laxon, N. C.	Watauga County Schools Paul J. Greene, Driver	Watauga	226.90
Robert Hendren	Robeson County Schools	Robeson	41.13
George Bingham, Vilas, N. C.	Watauga County Schools	Watauga	200.00
Marcus M. Jordan, Roxboro, N. C.	Person County Schools James White, Driver	Person	174.81
I. L. Fowler, Hallsboro, N. C.	Columbus County Schools	Columbus	6,000.00
James H. Little	Greene County Schools	Greene	312.85
Howard Wallace	Columbus County Schools	Columbus	327.90
Ben R. Jones	Jackson County Schools	Jackson	153.78
Duke Power Company, Winston-Salem, N. C.	Stokes County Schools	Stokes	168.21
W. F. Alberty, Dobson, N. C.	Surry County Schools	Surry	39.00
Collis Lewis, Jr.—Bethel High School	Manual Arts Classroom	Pitt	2,000.00
Mrs. Carl Tyndall, Trenton, N. C.	Jones County Schools Verdie G. Bryant, Driver	Jones	48.16
J. B. Cotner, Raleigh, N. C.	Wake County Schools Albert Bridges, Driver	Wake	197.26
W. F. Snuggs, Albemarle, N. C.	Stanley County Schools Billy G. Fisher, Driver	Stanly	56.00

Claims against the State Board of Education (cont'd).

Claims against the State Board of Education (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
Richard Sanders	Stanly County Schools	Stanly	$ 12.00
Lee Efird	Stanly County Schools	Stanly	106.00
W. K. Phillips, Henderson, N. C.	Vance County Schools	Vance	125.00
E. L. Porter, Waco, N. C.	Cleveland County Schools J. D. Beam, Driver	Cleveland	110.45
John J. Ward, R. 3, Mocksville, N. C.	Iredell County Schools LeRoy Snow, Driver	Iredell	257.60
E. O. Dowdy, R. 4, Sanford, N. C.	Chatham County Schools	Chatham	322.24
Frank Durham, R. 2, Pittsboro, N. C.	Chatham County Schools	Chatham	28.80
C. A. Nix, Box 623, Cherryville, N. C.	Gaston County Schools Cecil Seals, Driver	Gaston	66.52
Tom C. Farmer, Box 24, Norwood, N. C.	Anson County Schools Ben Northcutt, Driver	Anson	184.22
Lathan Oil Company, Wadesboro, N. C.	Anson County Schools Melton Ellerbe, Driver	Anson	498.75
F. E. Cockman, Asheboro, N. C.	Randolph County Schools	Randolph	535.99
Roy W. Hobbs	Iredell County Schools	Iredell	44.95
Mrs. Ruth V. Robertson	Iredell County Schools	Iredell	569.33
J. Oscar Hutchens, R. 3, Yadkinville, N. C.	Yadkin County Schools Bus #24	Yadkin	73.00
James Fleming, Boonville, N. C.	Yadkin County Schools Bus #49	Yadkin	162.55
Clay Macy, Union Grove, N. C.	Yadkin County Schools Bus #41	Yadkin	20.50
Samuel C. Carr, Box 229, Goldsboro, N. C.	Yadkin County Schools Bus #17	Yadkin	116.50

CLAIMANT	UNIT	COUNTY	AMOUNT
J. W. Johnson, Wendell, N. C.	Wake County Schools, Bus #6 Billy Strickland, Driver	Wake	$ 18.46
Miss Bessie Easterling, Rockingham, N. C.	Richmond County Schools	Richmond	57.00
V. J. Ormsby, Rockingham, N. C.	Richmond County Schools	Richmond	358.27
Purvey M. Springs, Catawba, N. C.	Catawba County Schools	Catawba	141.95
Carroll A. Carpenter, Hickory, N. C.	Catawba County Schools	Catawba	665.16
Walter Barger	Guilford County Schools	Guilford	218.16
Guaranty Loan Corporation	Guilford County Schools	Guilford	70.00
John C. Tesh	Guilford County Schools	Guilford	462.10
Carl Morgan	Guilford County Schools	Guilford	200.00
E. E. George	Guilford County Schools	Guilford	79.25
L. M. Barrett	Guilford County Schools	Guilford	138.00
Mabel Lee Miller	Guilford County Schools	Guilford	500.00
Federal Bureau of Investigation	Guilford County Schools	Guilford	36.00
Ernest Miller, High Point, N. C.	Guilford County Schools	Guilford	90.20
George M. Davis, Cherryville, N. C.	Cherryville City Schools Harvey Lee Ellis, Driver	Gaston	122.94
Mrs. W. H. Patrick	Gaston County Schools	Gaston	35.00
A. N. Henderson, R. 2, Forest City, N. C.	Rutherford County Schools School Bus #95	Rutherford	359.50
Harris Brothers Oil Co., Forest City, N. C.	Rutherford County Schools Lee Daniel Upton, Driver	Rutherford	192.66

Claims against the State Board of Education (cont'd).

Claims against the State Board of Education (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
James Roy Harrill, Box 47, Bostic, N. C.			
Rutherford County Schools			
Chas. L. Holford, Driver		Rutherford	$ 1,058.66
Virgil Webb, Forest City, N. C.			
Rutherford County Schools			
Chas. T. Beam, Driver		Rutherford	701.46
E. W. Boone and Wife, Sadie Boone			
Sampson County Schools		Sampson	1,250.00
Mrs. Pauline Bateman			
Perquimans County Schools			
Myrtle Norman, Driver		Perquimans	42.26
Norman K. Shannonhouse, Elizabeth City, N. C.			
Perquimans County Schools			
Eva Ann Revell, Driver		Perquimans	35.00
Otis M. Lewis			
Beaufort County Schools			
Alton Taylor, Driver		Beaufort	120.00
J. L. Walker, Columbia, N. C.			
Tyrrell County Schools			
Bus #25		Tyrrell	20.00
B. R. Harrell, Jr.			
Tyrrell County Schools			
Bus #24		Tyrrell	61.80
J. M. Hedge, Mocksville, N. C.			
Davie County Schools			
Bus #28		Davie	102.54
Mrs. Mary L. W. Campbell, 532 Old Wilmington Road Fayetteville, N. C.			
Cumberland County Schools			
Bus		Cumberland	550.00
Fayetteville Concrete Block Co. 702 East Russell Street, Fayetteville, N. C.			
Cumberland County Schools			
Bus		Cumberland	919.00
H. H. Lumsden			
Stanly County Schools			
Rufus Daniels, Driver		Stanly	100.00
Mrs. G. Melvin Jones			
Forsyth County Schools			
Leo Tuttle, Driver		Forsyth	137.14
James H. Brissenden			
Forsyth County Schools			
Bus #36, C. L. Ketner, Driver		Forsyth	19.00

Claims against the State Board of Education (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
Martha Mary Sue Bowen	Forsyth County Schools Robert Lineback, Driver	Forsyth	$ 15,000.00
Bert Dixon, Jefferson, N. C.	Ashe County Schools	Ashe	65.00
Harvey Paschal, Siler City, N. C.	Chatham County Schools John Lynn, Driver	Chatham	43.46
J. R. Langston	Gates County Schools Bus #14	Gates	296.55
John B. Cashion	Alexander County Schools Harry Lee Robertson, Driver	Alexander	50.00
Paul Youngblood	Buncombe County Schools Bus #76	Buncombe	96.74
H. L. Hamill, Enfield, N. C.	Halifax County Board of Education School Bus	Halifax	89.85
Wilson Transit Company, Wilson, N. C.	Wilson County Schools Bus	Wilson	106.54
Steve Smith, R. 1, Bahama, N. C.	Durham County Schools Bus	Durham	64.08
A. L. Lepper, Durham, N. C.	Durham County Schools Bus	Durham	80.00
Charles Mitchell, Durham, N. C.	Durham County Schools Bus	Durham	122.25
Bill Saunders, R. 1, Bahama, N. C.	Durham County Schools Bus	Durham	60.00
J. T. Graham, Cleveland, N. C.	Rowan County Schools Bus #17, Keith Foster, Driver	Rowan	78.20
Lonnie Tucker	Union County Schools	Union	100.00
Ben Wolfe, Jr.	Union County Schools	Union	20.87
Carroll Carpenter	Union County Schools	Union	450.00
Lance Baker	Union County Schools	Union	1,450.85

Claims against the State Board of Education (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
A. P. Lemmond	Union County Schools	Union	$ 400.00
Sidney Blum, c/o Cone Mills, Greensboro, N. C.	State Board of Education	Alamance	650.00
Cecil Goodman, Newland, N. C.	Avery County Schools	Avery	77.75
Goldsboro Wholesale Company, Goldsboro, N. C.	Duplin County Schools Bus #109	Duplin	86.71
Joseph P. Hotchkiss, Lewisville, N. C.	Forsyth County School Bus	Forsyth	170.21
Duke Power Company	N. C. Public School Gasoline Delivery Truck	Forsyth	168.21
E. D. Beverley, Laurinburg, N. C.	Scotland County Schools Bus Cleveland Leggate, Driver	Scotland	210.54
G. B. Stearns, Laurinburg, N. C.	Scotland County Schools W. C. Caulder, Bus Driver	Scotland	48.11
C & M Taxi Company	Stanly County Schools	Stanly	249.85
J. B. Briggs	Yancey County Schools	Yancey	36.80
Rev. Jesse Hughes	Yancey County Schools	Yancey	80.19
Junior Hiatt, Box 655, Mt. Airy, N. C.	Surry County Schools	Surry	29.87
M. B. Parks, State Road, N. C.	Surry County Schools	Surry	30.00
Arnold Ramey, Mount Airy, N. C.	Surry County Schools	Surry	10.00
W. E. Marion, Rt. #2, Dobson, N. C.	Surry County Schools	Surry	11.20
O. L. Noah, Rt. #2, Mt. Airy, N. C.	Surry County Schools	Surry	68.51
Criss Harrell, Mount Airy, N. C.	Surry County Schools	Surry	15.00
Ed Forrest, Jr., Rt. #5, Mt. Airy, N. C.	Surry County Schools	Surry	42.41
W. F. Alberty, Dobson, N. C.	Surry County Schools	Surry	38.28

Claims against the State Board of Education (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
Marion Simmons, Rt. #2, Mt. Airy, N. C.			
	Surry County Schools	Surry	$ 129.50
Martin Memorial Hospital, Mt. Airy, N. C.			
Treatment of Joanne Arrington, Rt. #2, Mt. Airy			
	Surry County Schools	Surry	150.00

Claims against various State departments and agencies.

SEC. 5. That the claims hereinbefore referred to against the various State departments and institutions and the amounts of said claims are as follows:

CLAIMANT	UNIT	COUNTY	AMOUNT
Liston Larkins, R. 3, Box 123, Wilmington, N. C.			
	Adjutant General, E. J. Smith, Driver Co. 1, 119 Infantry	New Hanover	$ 177.35
Burriss Stevens			
	Eastern Carolina Training School for Boys	New Hanover	15,000.00
J. L. Flowers			
	State Highway Patrol	New Hanover	1,319.75
E. R. Jenkins			
	State Highway Patrol Patrolman Lane, Driver	Guilford	1,800.00
D. N. Duke, 1508 Battleground Avenue, Greensboro, N. C.			
	State Highway & Public Works Commission Ernest Amos, Driver	Guilford	247.14
Horace Wilson, Sr., Lincolnton, N. C.			
	State Highway and Public Works Commission	Lincoln	619.00
L. Watts Norton, Durham, N. C.			
	State Highway and Public Works Commission	Durham	2,230.26
General Outdoor Advertising Company			
	Utilities Commission C. B. Wade, Driver	Wake	251.55
Luna Bell Price, 215 Harrington Street, Raleigh, N. C.			
	Department of Agriculture State Fair Horace Morgan, Driver	Wake	1,733.80
J. C. Holland, Sr., Raleigh, N. C.			
	Adjutant General S. Sgt. Leon E. Johnson, Driver	Wake	7.50
Harry L. Liner, Sr., Waynesville, N. C.			
	Adjutant General S. Sgt. Wm. D. Hall, Driver	Haywood	162.74

Claims against various State departments and agencies (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
G. W. Walters, 803 S. Slocumb Street Goldsboro, N. C.	State Highway and Public Works Commission Wayne County Prison Camp	Wayne	$ 512.39
Esper A. Futrell, R. 1, Pikeville, N. C.	State Highway Patrol L. J. Parrish, Driver	Wayne	480.00
J. H. Warner	State College of Agriculture & Engineering Hansen, Driver	Wake	3,125.25
E. A. Wright, R. 2, Kings Mountain, N. C.	State Highway and Public Works Commission D. W. Ormond, Driver	Cleveland	5,000.00
Jessie Wright, R. 2, Kings Mountain, N. C.	State Highway and Public Works Commission D. W. Ormond, Driver	Cleveland	2,500.00
Sherman Wright, R. 2, Kings Mountain, N. C.	State Highway and Public Works Commission D. W. Ormond, Driver	Cleveland	500.00
J. C. Braswell	State Highway and Public Works Commission	Nash	8,242.91
National Surety Corporation, New York, N. Y. and/or National Surety Marine Corporation, New York, N. Y. Assignees of Watts Edwin Chambers, 4112 Caruth Boulevard, Dallas, Texas	State Highway and Public Works Commission James Henry Jones, Driver	Nash	748.20
Watts Edwin Chambers, 4112 Caruth Boulevard Dallas, Texas	State Highway and Public Works Commission James Henry Jones, Driver	Nash	50.00
Alex Wilson, Pensacola, N. C.	State Highway and Public Works Commission Prison Department	Yancey	233.10
Carl Councilman	State Highway and Public Works Commission	Alamance	539.25
Douglas Edward Cobb, (Minor), Charles Cobb, Father 18 Waco Road, Kings Mountain, N. C.	State Highway and Public Works Commission Billie White Bradshaw, Driver	Cleveland	1,000.00

Claims against various State departments and agencies (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
J. Rone Lowe, Wadesboro, N. C.	State Highway Patrol J. L. Isenhour, Driver	Anson	$ 1,200.00
Hubert Cockman, Father of Charles H. Cockman (Minor) deceased	State Highway and Public Works Commission J. W. Hollingsworth, Driver	Guilford	287.31
B. N. Hogan, Murphy, N. C.	State Highway Patrol W. H. Hogan, Driver	Cherokee	6,000.00
Nat Israel, Washington, N. C.	State Highway and Public Works Commission	Beaufort	3,184.02
W. E. Bolton & Son, Raleigh, N. C.	Revenue Department, Gasoline & Oil Inspection Division	Wake	135.10
Julius Shores, Concord, N. C.	State Highway and Public Works Commission	Cabarrus	4,875.00
Helen Singleton, Morganton, N. C.	State Hospital, Morganton, N. C.	Burke	121.00
W. E. Trammell	Prison Department	Haywood	1,000.00
H. L. Shipwash	Highway Department	Guilford	10,000.00
C. S. Vinson, Weldon, N. C.	Highway Department	Halifax	1,000.00
Miss Rosalie Abdallah	University of N. C.	Lenoir	5,000.00
Robert A. Hamby, Admn., Estate of Mrs. Sarah Bell Hamby, deceased	Highway Department	Wilkes	6,000.00
Alfred Johnson	State Highway and Public Works Commission	Rutherford	800.00
Ulburn Cox, Lumberton, N. C.	State Highway and Public Works Commission	Robeson	400.00
Mrs. Grover C. Quinn, Jr., Jacksonville, N. C.	Wild Life Resources Commission	Onslow	5,000.00

Claims against various State departments and agencies (cont'd).

CLAIMANT	UNIT	COUNTY	AMOUNT
Mrs. Laura Wall Hinton, 1321 W. Thomas Street Rocky Mount, North Carolina	State Highway and Public Works Commission	Nash	$ 10,000.00
Allen Lanier, Burgaw, North Carolina	State Highway and Public Works Commission	Pender	227.65
W. L. Mull	State Highway and Public Works Commission	Transylvania	1,000.00
Mrs. G. Leslie Coleman, Brevard, N. C.	State Highway and Public Works Commission	Transylvania	5,000.00
G. Leslie Coleman, Brevard, N. C.	State Highway and Public Works Commission	Transylvania	800.00
Calvin Graves, Administrator of the Estate of Mrs. Viola Lee Plummer, Winston-Salem, N. C.	Highway Department	Forsythe	10,000.00
J. T. Taylor	State Highway and Public Works Commission	County Unknown	2,531.00

Approval of fees of attorneys for claimants.

SEC. 6. In cases where claimants are represented by counsel, in all matters described herein, any and all compensation for services rendered thereby shall be approved by the Industrial Commission.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1074 **CHAPTER 1139**

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE OR STORES IN THE TOWN OF WALNUT COVE UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE OR STORES.

The General Assembly of North Carolina do enact:

Town of Walnut Cove, election on question of operation of liquor control stores.

SECTION 1. That the Town Commissioners of the Town of Walnut Cove may on its own motion, and shall upon a petition to said commission signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store or stores may be operated in the Town of Walnut Cove and if a majority of the votes cast in such election shall be for the operation of such store or stores, it shall be legal for a liquor control store or stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store or stores, no such store or stores shall be set up or operated in said town under the provisions of this Act.

Effect of election results.

Notice of election.

SEC. 2. In calling for such special liquor election, the said commission shall give at least ten days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store or Stores", "Against Town Liquor Control Store or Stores". Those favoring setting up and operating liquor store or stores in the Town of Walnut Cove shall mark in the voting square to the left of the words "For Town Liquor Control Store or Stores" printed on the ballot, and those opposed to a town liquor control store or stores shall mark in the voting square to the left of the words "Against Town Liquor Control Store or Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for Members of the General Assembly.

Registration.

Form of ballot.

Conduct of election.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store or Stores", the town liquor control board shall within three months from the canvassing of such votes and

the declaration of the result thereof, close said store or stores and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Walnut Cove in force and effect prior to the authorization to operate town liquor control store or stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store or Stores". No election shall be called and held in the Town of Walnut Cove under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Town Commissioners of the Town of Walnut Cove to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Walnut Cove general election or primary election, or within thirty (30) days of any such election.

Disposition of property.

Application of laws relating to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of a town liquor control store or stores is authorized under the provisions of this Act, the Mayor and Town Commissioners of the Town of Walnut Cove together with the County Commissioners of Stokes County shall immediately create a town board of alcoholic control to be composed of a chairman and four other members, three members of said board to be appointed by the Mayor and Town Commissioners of the Town of Walnut Cove, which members shall be residents of the Town of Walnut Cove, and two members of which board shall be appointed by the Board of County Commissioners of Stokes County and shall be residents of Stokes County, and said members shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Walnut Cove Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and two members shall serve for their first term a period of two years, and the other members shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town or by the Board of Commissioners of Stokes County, depending on which body made the appointment. The members of the Town of Walnut Cove Board of Alcoholic Control shall receive such compensation for their services in such capacity as may be

Appointment of members; terms.

Successor and vacancy appointments.

Compensation of members.

fixed by the Mayor and Town Commissioners of the Town of Walnut Cove.

Powers and duties of Board.

SEC. 5. The said Town of Walnut Cove Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and among other things it shall be their duty to expend for law enforcement a sum not less than five per cent (5%) nor more than ten per cent (10%) of the total profits to be determined by quarterly audits and in the expenditure of said funds shall employ one or more persons to be appointed by and directly responsible to the respective county boards. The persons so appointed shall, after taking the oath prescribed by law for the peace officers, have the same powers and authorities within their respective counties as other peace officers. And any person so appointed, or any other peace officer while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such offender therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officers. Any law enforcement officer appointed by such county boards and any other peace officer is hereby authorized, upon request of the sheriff or other lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition law therein, and while so acting shall have such powers as a peace officer as are granted to him in his own county and be entitled to all the protection provided for said officer while acting in his own county, and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes, which provides among other things that it shall be their duty to audit and examine the accounts, records, books, and papers relating to the operation of the town stores herein provided for, or to have the same audited and to see that all the laws relating to the sale and control of alcoholic beverages are observed and performed. The said Town of Walnut Cove Board of Alcoholic Control and the operation of any town liquor store or stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Walnut Cove Board of Alcoholic Control.

Expenditure of funds for law enforcement.

Employment of officers.

Powers of law enforcement officers.

Application of "hot pursuit" doctrine.

Authority of officers to assist in suppression of violation of prohibition laws in another county.

Officers subject to authority of State Board of Alcoholic Control under G. S. 18-39.

Application of G. S. Ch. 18, Art. 3.

Allocation of net profits from liquor stores.

SEC. 6. The net profits derived from the operation of a liquor control store or stores in the Town of Walnut Cove shall be divided as follows: Fifty per cent (50%) of the net profits shall be turned over to the County of Stokes and used by the said county exclusively for permanent school facilities; ten per cent

(10%) of the net profits shall be turned over to the Town of Walnut Cove and shall be used exclusively for debt service of said town; forty per cent (40%) of the net profits shall be turned over to the Town of Walnut Cove and shall be used exclusively for improvements in the town, including streets, sidewalks, water and sewage, libraries, library equipment, municipal buildings and recreational buildings and equipment.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on Alcoholic Beverage Control stores, as now provided by law, within sixty days from the ratification of this Act.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1084 CHAPTER 1140

AN ACT TO AMEND SECTION 18-76 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

G. S. 18-76, Beverage Control Act of 1939, amended to increase fees for county license to sell at retail.

SECTION 1. That the words and figures "twenty-five dollars ($25.00)" in line 6 in the third paragraph of Section 18-76 of the General Statutes of North Carolina be stricken out, and in lieu thereof there be inserted words and figures as follows "fifty dollars ($50.00)."

SEC. 2. That the words and figures "five dollars ($5.00)" in line 7 of the third paragraph of Section 18-76 of the General Statutes of North Carolina be stricken out and in lieu thereof there be inserted the words and figures "twenty-five dollars ($25.00)."

SEC. 3. That the words and figures "twenty-five dollars ($25.00)" in lines 9 and 10 of the third paragraph of Section 18-76 of the General Statutes of North Carolina be stricken out and in lieu thereof there be inserted the words and figures "fifty dollars ($50.00)."

Application of Act.

SEC. 4. That this Act shall apply to Guilford County only.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1127 CHAPTER 1141

AN ACT AUTHORIZING ELECTIONS TO BE HELD ON THE QUESTION OF THE ESTABLISHMENT OF MUNICIPAL LIQUOR CONTROL STORES IN THE TOWNS OF WHITEVILLE, TABOR CITY, CHADBOURN, AND FAIR BLUFF IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Towns of Whiteville, Tabor City, Chadbourn and Fair Bluff, elections on question of operation of liquor control stores.

SECTION 1. The several Governing Boards of the Towns of Whiteville, Tabor City, Chadbourn, and Fair Bluff in Columbus County are hereby authorized, either upon their own motion or upon a petition signed by at least fifteen per cent (15%) of the registered and qualified voters of the particular municipality, in the sole discretion of the governing board in either event, to order an election to be held on the question of whether municipal liquor control stores shall be established and operated in the town holding such election. If a majority of the votes cast in such an election held in any of the above named towns shall be in favor of the operation of such stores, it shall be lawful for municipal liquor control stores to be set up and operated in such town; but if a majority of the votes cast in such election in any of the above named towns shall be against the operation of municipal liquor control stores, no such store shall be set up or operated in such town.

Effect of election results.

Notice of election.

SEC. 2. In calling for such liquor election in any of the towns named in Section 1, the governing board of such town shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary, and all qualified electors who are properly registered prior to registration for the special election and those who register in such special election shall be entitled to vote in said election. In said election a ballot shall be used, on which shall be printed on separate lines for each proposition, "For Municipal Liquor Control Stores" and "Against Municipal Liquor Control Stores". Those favoring setting up and operating liquor stores in the town in which the election is held shall place a check mark or "X" in the voting square to the left of the words "For Municipal Liquor Control

Registration.

Form of ballot.

Stores" printed on the ballot, and those opposed to the operation of municipal liquor control stores in such town shall place a check mark or "X" in the voting square to the left of the words "Against Municipal Liquor Control Stores". Except as otherwise herein provided, the special elections herein authorized shall be conducted under the same statutes, rules and regulations applicable to elections for members of the General Assembly.

Conduct of elections.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held in any of the towns named in Section 1 which shall have previously set up liquor control stores under the terms of this Act, and at such election a majority shall be cast "Against Municipal Liquor Control Stores", the municipal liquor control board hereinafter provided for shall, within three months from the canvassing of such votes and the declaration of the result thereof, close said stores and shall thereafter cease to operate the same; and within said three months the municipal liquor control board shall dispose of all alcoholic beverages on hand, all fixtures and all property in the hands and under the control of said board and convert the same into cash and, subject to the division of profits hereinafter provided for, turn the same over to the general fund of the municipality. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within such municipality in force and effect prior to the election authorizing the operation of municipal liquor control stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Municipal Liquor Control Stores". No election shall be called and held in any municipality under the provisions of this Act within three years from the holding of the last election in such municipality. No election under this Act shall be held in any municipality on the day of any biennial, general or primary election, or on the day of any biennial, county, general or primary election held in Columbus County, or on the day of any general or primary election held in the municipality, or within thirty days of any such election.

Disposition of property.

Application of laws relating to sale of intoxicating beverages.

Limitation on time between elections.

Creation of Boards of Alcoholic Control.

SEC. 4. If the operation of municipal liquor control stores is authorized in any of the towns named in Section 1 of this Act, there shall immediately be created for such town a municipal board of alcoholic control, to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said board shall be known and designated as "The (Town) Board of Alcoholic Control". The chairman and members of said board shall be elected jointly by the mayor of the town for which the board is created, the chairman of the local school board, the chairman of the board of county commissioners, the chairman of the county board of elections, and the county superintendent of public instruction. Such election shall be held at a meeting to be called by the mayor of

Election of members.

the town, at which meeting the town clerk shall preside and tabulate the vote and shall enter the results on the minutes of the town; but said clerk shall have no vote in such election. At such election one person shall be elected as chairman of the municipal board of alcoholic control and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year. All terms shall begin with the date of the election of the members of the board, and after said terms shall have expired their successors in office shall be elected as hereinabove provided for terms of three years each. Vacancies occurring in the board, whether by death, resignation or otherwise, shall be filled by joint election of the mayor and chairman of the local school board, the board of county commissioners, the county board of elections, and the county superintendent of public instruction at a special meeting to be called as hereinbefore provided. The chairman and members of the municipal board of alcoholic control shall receive for their services such compensation as may be fixed by the governing board of the municipality, in its discretion, and the members of such board of alcoholic control and the employees of such board or any of them shall give such bond as may be required by the governing board of the municipality. Before entering upon their official duties, each member of the municipal board of alcoholic control shall take and subscribe an oath of office in substantially the following form:

Terms of office.

Vacancy appointments.

Compensation of members of board.

Bond.

Oath of office.

Form of oath.

"I, _____, do solemnly swear that I will well and truly execute the duties of my office as a member of The _____ Board of Alcoholic Control to the best of my ability, and that I will well and truly account for all monies and property of said Board coming into my control by virtue of my said office; so help me, God."

All bonds given pursuant to this Section shall be deposited with the town treasurer, if there be one, and if not, with the town clerk; and oaths of office herein required shall be spread upon the minutes of the town.

SEC. 5. The municipal boards of alcoholic control created pursuant to the provisions of this Act shall have, within their respective jurisdictions, all of the powers and duties granted and imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The municipal boards of alcoholic control and the operation of any municipal liquor stores authorized under the provisions of this Act shall be subject to and in accordance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent the same may be in conflict with the provisions of this Act. Whenever the word

Powers of boards.

Application of G. S. Ch. 18, Art. 3.

"county" or words "County Board of Alcoholic Control" appear in said Article, such word or words shall be construed as including within their meaning "municipal" or "Municipal Boards of Alcoholic Control".

Allocation of net profits from liquor control stores.

SEC. 6. The net profits derived from the operation of municipal liquor control stores set up under authority of this Act shall be divided as follows: Fifty per cent (50%) of such net profits shall be paid into the general fund of the town in which such stores are operated; twenty-five per cent (25%) of such net profits shall be paid over to and for the benefit of the local school administrative unit; and twenty-five per cent (25%) of such net profits shall be paid into the Columbus County general fund.

Time of special liquor elections.

SEC. 7. The special elections herein authorized and except as herein otherwise provided may be called by governing boards of the towns named in Section 1 at any time, in the sole discretion of the several boards, whether or not a petition shall have been filed by the qualified voters of such town: *Provided, however,* that in no event shall such special election be called in the Town of Whiteville prior to July 15, 1949.

Town of Whiteville, time of special election.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the County Commissioners of Columbus County shall call an election on Alcoholic Beverages Control Stores, as now provided by law within sixty days from the date this Act is ratified by the General Assembly of North Carolina.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1146 CHAPTER 1142

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NORTH WILKESBORO, PRIVATE LAWS OF 1913, CHAPTER 144 AND ALL AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Ch. 144, Private Laws, 1913, amended.

SECTION 1. Chapter 144 of the Private Laws of 1913 is amended by adding at the end of said Chapter an additional Section, to be designated Section 36½, reading as follows:

Town of North Wilkesboro, appointment of judge of Special Court.

"SEC. 36½. In lieu of the mayor acting in the capacity of judge of the special court constituted under the provisions of this Act as set out in Section 8 through Section 15, inclusive,

the judge of said court shall be appointed by the Town Commissioners of the Town of North Wilkesboro. Said judge may be an attorney at law, and shall be an elector of the County of Wilkes. Said judge shall be appointed as herein provided on the first Tuesday after the first Monday in June, 1949, and biennially thereafter, and shall hold office for a period of two years or until his successor is duly elected and qualified. Before entering upon the duties of his office, the said judge shall take the oath that is now prescribed for Judges of the Superior Court."

Qualification.

Term of office.

Oath of office.

SEC. 2. From and after June 7th, 1949, all fees collected by the court, as now provided by law, shall in lieu of being paid to the officers or officials of said court be paid into the General Funds of the Town of North Wilkesboro.

Payment of fees collected into general fund of town.

SEC. 3. From and after June 7th, 1949, the Board of Town Commissioners of the Town of North Wilkesboro shall fix the salary of the judge, the clerk and the solicitor of said court and all other officers and employees of said court. The said officers and employees of said court, including the judge, clerk and solicitor shall receive no other emoluments in the nature of fees or otherwise, except such salary as is fixed and paid each of them by the Board of Commissioners of the Town of North Wilkesboro.

Salaries of court officials and employees.

SEC. 4. The judge of said court shall hold no other office either with the State of North Carolina, the County of Wilkes or the Town of North Wilkesboro.

Judge prohibited from holding other office.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1163 CHAPTER 1143

AN ACT TO AMEND CHAPTER 279 OF THE PUBLIC-LOCAL LAWS OF 1937, RELATING TO SCHOOL DISTRICTS, BONDS AND TAXES, SO AS TO MAKE THE SAME APPLICABLE TO CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 279 of the Public-Local Laws of 1937 is hereby amended by adding a new Section immediately following Section 11, to be designated as Section 11½, and to read as follows:

Ch. 279, Public-Local Laws, 1937, relating to creation of school districts, amended to apply to Craven County.

"SEC. 11½. Notwithstanding any provisions of Section 11, this Act shall also apply to Craven County."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1164 CHAPTER 1144

AN ACT PERMITTING CRAVEN COUNTY TO AUTHORIZE BONDS OF THE MAXIMUM PRINCIPAL AMOUNT OF TWO MILLION DOLLARS FOR SCHOOL BUILDING PURPOSES, NOTWITHSTANDING THE LIMITATION OF DEBT FOR SUCH PURPOSES IN THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Craven County, issuance of school building bonds pursuant to County Finance Act.

SECTION 1. That pursuant to the County Finance Act, being Article 9 of Chapter 153 of the General Statutes of North Carolina, the Board of Commissioners of the County of Craven may pass a bond order or bond orders authorizing bonds of said County of Craven of the maximum aggregate principal amount of two million dollars ($2,000,000.00) for the purpose stated in Section 153-77, clause (a), of said General Statutes, notwithstanding any limitation with respect to the net school indebtedness contained in Section 153-87 of said General Statutes.

Exemption from limitation of G. S. 153-87.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification and until January 1st, 1951.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1177 **CHAPTER 1145**

AN ACT TO AMEND SECTION 130-39 OF THE GENERAL STATUTES TO CONFER UPON SANITARY DISTRICTS CERTAIN ADDITIONAL POWERS RELATING TO THE PUBLIC HEALTH AND WELFARE.

The General Assembly of North Carolina do enact:

SECTION 1. Section 130-39 of the General Statutes is hereby amended by adding at the end thereof a new Subsection to be numbered Subsection 20, and to read as follows:

G. S. 130-39, corporate powers of sanitary districts, amended.

20. For the purpose of promoting the public health, safety, morals, and the general welfare of the State, the sanitary district boards of the various sanitary districts of the State are hereby empowered, within the areas of said districts and not under the control of the United States or the State of North Carolina or any agency or instrumentality thereof, to designate, make, establish and constitute as zoning units any portions of said sanitary districts in accordance with the manner, method and procedure as follows:

Establishment of zoning units for promotion of public health and welfare.

Procedure of establishment.

(a) No sanitary district board, under the provisions of this Act, shall designate, make, establish and constitute any area in their respective sanitary districts a zoning area until a petition signed by two-thirds (2/3) of the qualified voters in said area as shown by the registration books used in the last general election, together with a petition signed by two-thirds (2/3) of the owners of the real property in said area as shown by the records in the office of the register of deeds for the county on the date said petition is filed with any sanitary district board, and a public hearing after twenty (20) days' notice has been given. Such notice must be published in a newspaper of general circulation in said county at least two (2) times, and a copy of said notice posted at the courthouse of said county and in three (3) other public places in the sanitary district for twenty (20) days before the date of the hearing. The petition must be accompanied by a map of any proposed zoning area.

Petition for zoning area.

Public hearing.

Notice of hearing.

Map of proposed zoning area.

(b) That when any portion of any sanitary district has been made, established and constituted a zoning area, as herein provided, the sanitary district boards as to any such zoning areas shall have, exercise and perform all of the rights, privileges, powers and duties granted to municipal corporations under Article 14, Chapter 160, of the General Statutes of North Carolina, and as amended, *provided, however*, the sanitary district boards shall not be required to appoint any zoning commission or board of adjustment, and upon the failure to appoint either said sanitary district boards shall have, exercise and perform all the rights, privileges, powers and duties granted to said zoning commission and board of adjustment.

Powers of sanitary district boards as to zoning areas.

Establishment of joint zoning commission authorized.

(c) The governing body of any city, town or sanitary district is hereby authorized to enter into agreements with any other city, town or sanitary district for the establishment of a joint zoning commission, and to co-operate fully with each other.

Appropriations for purposes of Act.

Rules and regulations, etc.

(d) The sanitary district boards are hereby authorized to appropriate such amounts of money as they deem necessary to carry out the effective provisions of this Act, and are authorized to enforce its rules and regulations in order to give effect to this Act, and for such purposes to use the income of the district or cause taxes to be levied and collected upon the taxable property within the district to pay such costs.

Ch. 176, Public Laws, 1931, inapplicable to sanitary districts.

SEC. 2. That none of the provisions of Chapter 176 of the Public Laws of North Carolina, Session 1931, shall apply to any sanitary district.

Application of Act.

SEC. 3. This Act shall apply only to sanitary districts which adjoin and are contiguous to cities having a population of fifty thousand (50,000) or more.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1187 CHAPTER 1146

AN ACT TO PROVIDE FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF ONSLOW COUNTY ALCOHOLIC BEVERAGE CONTROL STORE.

The General Assembly of North Carolina do enact:

Onslow County, allocation of net profits from operation of beverage control stores.

SECTION 1. That after the provisions of Chapter 32 of the Session Laws of 1945, authorizing the allocation of not more than ten per cent (10%) of the net profits from the operation of the Onslow County Alcoholic Beverage Control Stores are fully met, the Board of County Commissioners of said County is authorized and directed to pay into the Treasury of the following municipalities the following percentages of the remaining net profits derived from the operation of all stores in the said county; Jacksonville 5.00%, Richlands 4.00%, Swansboro 4.00%, Holly Ridge 3.00%; *provided, however,* that in addition to the sums above set out each municipality in which there is located and operated one or more stores shall receive 5.00% of the net profits of the store or stores located within its boundaries.

SEC. 2. That all laws and clauses of laws and in particular Chapter 1030 of the Session Laws 1947 in conflict with this Act are hereby repealed. Ch. 1030, Session Laws, 1947, and other conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1193 CHAPTER 1147

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF DUNN UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of the Town of Dunn may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Dunn and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under provision of this Act. Town of Dunn, election on question of operation of liquor control store. Effect of election results.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store," "Against Town Liquor Control Store." Those favoring setting up and operating liquor store in the Town of Dunn shall mark in the voting square to the left of the words "For Town Liquor Control Store," printed on the ballot, and those opposed to a town liquor control store shall mark in the voting square to the left of the words "Against Town Liquor Notice of election. Registration. Form of ballot.

Conduct of election.

Control Store." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for members of the General Assembly.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store," the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Dunn in force and effect prior to the authorization to operate town liquor store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store." No election shall be called and held in the Town of Dunn under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Dunn to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county, or Town of Dunn general election or primary election, or within thirty (30) days of any such election.

Disposition of property.

Application of laws relating to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Dunn shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Dunn Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Appointment of members; terms.

Successor and vacancy appointments.

Powers and duties of board.

SEC. 5. The said Town of Dunn Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45

of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said Town of Dunn Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Dunn Board of Alcoholic Control.

Application of G. S. Ch. 18, Art. 3.

SEC. 6. The net profits derived from the operation of liquor control store in the Town of Dunn shall be turned over to the town general fund and subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental purpose.

Use of net profits from operation of liquor control store.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on Alcoholic Beverage Control Stores, as now provided by law, within sixty days from the ratification of this Act.

Act inoperative if county election called within sixty days.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1201 CHAPTER 1148

AN ACT VALIDATING CERTAIN BONDS OF THE TOWN OF VASS AND AUTHORIZING THE REFUNDING OF SAID BONDS.

WHEREAS, there have heretofore been issued thirty-five thousand dollars ($35,000.00) of Water Bonds of the Town of Vass dated December 1st, 1927, bearing interest at the rate of six per centum (6%) per annum, of which there are now outstanding sixteen thousand dollars ($16,000.00) consisting of sixteen bonds of one thousand dollars ($1,000.00) each numbered 20 to 35, inclusive, maturing annually on December 1st and in their numerical order one bond in 1949, one bond in 1950 and two bonds in each of the years 1951 to 1957, inclusive: *Now, therefore,*

Preamble: Town of Vass, issuance of water bonds.

The General Assembly of North Carolina do enact:

Town of Vass, outstanding water bonds validated.

SECTION 1. That all of the bonds of the Town of Vass described in the foregoing preamble which are now outstanding are hereby in all respects validated.

Refunding bonds authorized.

SEC. 2. That the Board of Commissioners of the Town of Vass is hereby authorized to cause bonds of the Town of Vass to be issued pursuant to the Municipal Finance Act, 1921, for the purpose of refunding said outstanding bonds.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1223 CHAPTER 1149

AN ACT TO AMEND CHAPTER 386 OF THE PUBLIC LAWS OF 1909, AS AMENDED, AND FIXING THE FEES OF THE TRIAL JUSTICE AND PROSECUTING ATTORNEY FOR THE ROWAN COUNTY COURT.

The General Assembly of North Carolina do enact:

Ch. 386, Public Laws, 1909, amended.

SECTION 1. That Section 17 of Chapter 386, Public Laws of 1909, as amended, be and the same is hereby, amended as follows: By striking out the last sentence in Section 17, as amended, and substituting in lieu thereof the following:

Rowan County Court, salaries of trial justice and prosecuting attorney.

"Said trial justice shall receive a salary of three hundred dollars ($300.00) per month and the Prosecuting Attorney of the Rowan County Court shall receive a salary of two hundred and fifty dollars ($250.00) per month, payable monthly by Rowan County."

Ch. 498, Public-Local Laws, 1935, repealed.

SEC. 2. That Chapter 498 of the Public-Local Laws of the Session of 1935 is hereby repealed.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1227 CHAPTER 1150

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRANVILLE COUNTY TO MAKE APPROPRIATIONS TO THE OXFORD FIRE DEPARTMENT AND TO LEVY TAXES FOR PAYMENT OF SAME.

Preamble: Granville County, property of county in Town of Oxford.

WHEREAS, Granville County owns property consisting of buildings situated upon lots in the Town of Oxford and other property, including its courthouse, equipment, numerous books and public records of great value; and

Fire protection afforded.

WHEREAS, the Fire Department of Oxford affords protection to said property against damage and destruction by fire: *Now, therefore,*

The General Assembly of North Carolina do enact:

Granville County, appropriation to Fire Department, Town of Oxford.

SECTION 1. The Board of Commissioners of Granville County is hereby authorized and empowered, in its discretion, to appropriate funds to and for the benefit of the Fire Department of the Town of Oxford or whatever is now or may hereafter be the official name of such fire department, and to levy taxes upon and cause the same to be collected from the assessed valuation of real and personal property situated in Granville County for the payment of such amounts and funds to be used for the benefit of such fire department.

Tax levy.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1239 CHAPTER 1151

AN ACT CREATING THREE DISTRICTS IN HYDE COUNTY FOR THE NOMINATION AND ELECTION OF THE COUNTY COMMISSIONERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Hyde County divided into three districts.

SECTION 1. Hyde County is hereby divided into three districts as follows to-wit: (a) Currituck Township and Fairfield Township shall constitute district number one; (b) Swan Quarter Township and Ocracoke Township shall constitute district number two; and (c) Lake Landing Township and Mattamuskeet Township shall constitute district number three.

Nomination of member of board of commissioners from each district.

SEC. 2. That at the next primary to be held in 1951, and biennially thereafter, there shall be nominated one member of said board of commissioners from each of the three districts hereby created.

Election of commissioners.

SEC. 3. That at the next election, and biennially thereafter, there shall be elected, under the same rules and regulations governing the election of other county officers, three commissioners, one from each district.

Election by voters of county at large.

SEC. 4. That the candidate in the primary from each respective district shall be voted for by all of the qualified voters of Hyde County, and the candidate from each respective district who receives the largest number of votes shall be declared to be the nominee of his party, duly nominated as the candidate from said district for the general election, and said candidates shall be voted for in the general election by all of the qualified voters of said Hyde County.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1242 CHAPTER 1152

AN ACT TO REPEAL HOUSE BILL NO. 787, RATIFIED THE 5TH OF APRIL, 1949, RELATING TO THE OPERATION OF LOUD SPEAKERS, AMPLIFYING SYSTEMS AND PUBLIC ADDRESS SYSTEMS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 813, Session Laws, 1949, relating to loud speakers, etc., Pasquotank County, repealed.

SECTION 1. House Bill No. 787, ratified the fifth of April, 1949, relating to the operation of loud-speakers, amplifying systems and public address systems in Pasquotank County is repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1254 **CHAPTER 1153**

AN ACT TO INCORPORATE THE TOWN OF GASTON IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Incorporation of Town of Gaston, Northampton County.

SECTION 1. The Town of Gaston in Northampton County is hereby incorporated under the name of the "Town of Gaston," and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina not inconsistent with the provisions of this Act.

Corporate limits.

SEC. 2. The corporate limits of the Town of Gaston shall be as follows:

Beginning at an iron stake on the northern bank of the Roanoke River and running North 24 degrees 15 minutes East 3168 feet, plus or minus, to the northern bank of Falling Run Creek; thence along middle of Lees Creek and Branch 3430 feet, plus or minus, to the center of Garysburg Road; thence along middle of branch 2440 feet, plus or minus, to an iron stake; thence North 88 degrees 30 minutes West 1450 feet, plus or minus, to an iron stake on northern side of Garysburg Road; thence North 1 degree 30 minutes East 1850 feet, plus or minus, to an iron stake; thence North 88 degrees 30 minutes West 650 feet, plus or minus, to an iron stake; thence North 7 degrees 0 minutes East 1350 feet, plus or minus, to an iron stake; thence North 83 degrees 30 minutes West 5250 feet, plus or minus, to an iron stake in middle of creek; thence due South 670 feet, plus or minus, to an iron stake; thence South 22 degrees 00 minutes West 2640 feet to an iron stake on northern side of Lawrenceville Road; thence along middle of Highs Mill Branch 3700 feet, plus or minus, to an iron stake; thence South 1 degree 00 minutes East 3630 feet, plus or minus, to a point in middle of Roanoke River (said point being on the Northampton-Halifax County Line); thence along Northampton-Halifax County line (middle of Roanoke River) to a point directly South of beginning point; thence North 24 degrees 15 minutes East (a distance of half the Roanoke River) to the beginning.

Election of mayor and commissioners.

SEC. 3. At the time of the holding of the next general municipal election in 1951, and biennially thereafter, there shall be elected in the Town of Gaston in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina, as amended, the following officers: A mayor and five commissioners. The mayor and the five town commissioners so elected shall constitute the Governing Body of the Town of Gaston, and such governing body may appoint such other officers and employ such assistants as the governing body of the town may deem necessary for the better governance of the town.

Appointment of other officers and assistants.

Designation of officials pending municipal election.

SEC. 4. The following persons are named as the Mayor and Governing Body of the Town of Gaston, and shall serve in such capacities until the general municipal election to be held in 1951 and until their successors are elected and qualified: Mayor, S. D. Hitchen; Town Commissioners: G. A. Brewer, B. W. Rook, W. H. Camp, Herman Anderson, and B. L. Cannon.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1260 CHAPTER 1154

AN ACT TO AMEND G. S. 14-335 RELATING TO THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

G. S. 14-335, amended as to penalty for public drunkenness, Caldwell County.

SECTION 1. Subsection 10 of G. S. 14-335, as the same appears in the 1947 Cumulative Supplement of the General Statutes, is hereby amended by inserting after the word "In" and before the word "Catawba" which appears in line 1 of said Subsection the following: "Caldwell,".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1262 CHAPTER 1155

AN ACT INCREASING THE MEMBERSHIP OF THE GATES COUNTY BOARD OF EDUCATION AND PROVIDING FOR THEIR NOMINATION.

The General Assembly of North Carolina do enact:

SECTION 1. The membership of the Board of Education of Gates County is increased from three to five members. Gates County, membership of Board of Education increased.

SEC. 2. That, for the purpose of the nomination of members of the Board of Education of Gates County, the said county is hereby divided into the following five districts: Division of county into districts for nomination of members.

District number 1 to consist of that portion of Gates County within the territorial limits of the Gatesville School District as now constituted. District No. 1.

District number 2 to consist of that portion of Gates County within the territorial limits of the Eure School District as now constituted. District No. 2.

District number 3 to consist of that portion of Gates County within the territorial limits of the Gates School District as now constituted. District No. 3.

District number 4 to consist of that portion of Gates County within the territorial limits of the Sunbury School District as now constituted. District No. 4.

District number 5 to consist of that portion of Gates County within the territorial limits of the Hobbsville School District as now constituted. District No. 5.

SEC. 3. That in all primaries for the nomination of members of the Board of Education of Gates County the voters of the entire county shall nominate one candidate for membership on said board from each district. The candidate in each district receiving the largest number of votes shall be declared the nominee of that district. There shall be no second primary. In case of a vacancy occurring in membership of said board by death, resignation, removal from the district, or otherwise, such vacancies shall be filled by appointing some qualified person who resides in the district from which the vacancy occurs, such vacancies to be filled in the manner prescribed in G. S. 115-41 and 115-42. Nomination of one member from each district by voters of entire county. Vacancy appointments.

SEC. 4. The provisions of this Act shall not become effective unless approved by a majority of the votes cast by the qualified voters of Gates County in the primary election held in said county for the nomination of members of the North Carolina General Assembly in the year 1950. The Gates County Board of Elections shall cause to be printed and use in said primary election a ballot submitting to the qualified voters of the county the Provisions of Act subject to election. Form of ballot.

question as to whether or not the provisions of this Act shall become effective and said proposition shall be stated on the official ballot in substantially the following form:

"Yes ☐ Shall the membership of the Gates County Board of Education be increased from three to five members and elected from districts?

No ☐ "

Those desiring to vote for the change shall make a cross mark in the square to the left of the question and those desiring to vote against said change shall make a cross mark in the square to the right of said question.

Eligibility of voters.

SEC. 5. All persons who are eligible to vote in the primary election to be held for the nomination of members of the General Assembly in Gates County in 1950 shall be eligible to vote on the question of increasing the membership of the county board of education and selection by districts.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1278 CHAPTER 1156

AN ACT TO REPEAL CHAPTER 53 OF THE SESSION LAWS OF 1945 RELATING TO THE PUBLICATION OF THE MINUTES OF THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 53, Session Laws, 1945, relating to Currituck County, repealed.

SECTION 1. Chapter 53 of the Session Laws of 1945, relating to the publication of the minutes of the Board of County Commissioners and the County Board of Education of Currituck County, is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1292 **CHAPTER 1157**

AN ACT TO FIX THE FEES FOR THE PROBATE AND REGISTRATION OF INSTRUMENTS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Columbus County, probate and registration fees of Clerk Superior Court and Register of Deeds.

SECTION 1. For the probate and registration of instruments required or permitted by law to be registered in Columbus County the Clerk of the Superior Court and the Register of Deeds of Columbus County shall be entitled to and paid the following fees:

I

For the probate and registration of all instruments, which before the effective date of this Act were probated and registered for thirty cents (30c), there shall be paid for the probate and registration of each such instrument the sum of forty cents (40c). Of this forty cents (40c), ten cents (10c) shall be for the clerk's probate and thirty cents (30c) for the recording of the instrument.

II

For all other instruments required or permitted by law to be registered in Columbus County there shall be paid for the probate and registration of each such instrument one dollar and twenty-five cents ($1.25) for the first three hundred words or fraction thereof and fifteen cents (15c) for each additional one hundred words. Of the sum paid under this subdivision twenty-five cents (25c) shall be for the clerk's probate and the remainder for recording the instrument.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 9 **CHAPTER 1158**

AN ACT TO AMEND G. S. 112-18 RELATING TO THE CLASSIFICATION OF PENSIONS FOR CONFEDERATE SOLDIERS, THEIR SERVANTS AND WIDOWS.

The General Assembly of North Carolina do enact:

G. S. 112-18, amended to increase Confederate pensions.

Pensions for disabled Confederate soldiers.

SECTION 1. Paragraph 2 of G. S. 112-18, as it appears in the 1947 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words and figures "eight hundred and sixty-four dollars ($864.00)" in lines 3 and 4 of said paragraph and inserting in lieu thereof the words and figures "twelve hundred dollars ($1200.00)."

Pensions for colored servants.

SEC. 2. Paragraph 3 of G. S. 112-18, as it appears in the 1947 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words and figures "three hundred and twenty dollars ($320.00)" in lines 4 and 5 of said paragraph and inserting in lieu thereof the words and figures "four hundred and fifty-six dollars ($456.00)."

Pensions for blind or helpless widows of Confederate soldiers.

SEC. 3. Paragraph 4 of G. S. 112-18, as it appears in the 1947 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words and figures "four hundred and twenty dollars ($420.00)" in lines 3 and 4 of said paragraph and inserting in lieu thereof the words and figures "six hundred dollars ($600.00)."

Pensions for widows of Confederate soldiers.

SEC. 4. Paragraph 5 of G. S. 112-18, as it appears in the 1947 Cumulative Supplement to the General Statutes, is hereby amended by striking out the words and figures "two hundred and twenty dollars ($220.00)" in line 8 of said paragraph and inserting in lieu thereof the words and figures "three hundred and twelve dollars ($312.00)."

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 392 **CHAPTER 1159**

AN ACT TO AMEND G. S. 42-34, RELATING TO LANDLORD AND TENANT.

The General Assembly of North Carolina do enact:

G. S. 42-34, relating to landlord and tenant, amended as to appeals in summary ejectment proceedings.

SECTION 1. G. S. 42-34 is hereby amended by inserting after the word "Court" in line 11 of said Section and before the word "*Provided*" in line 12 of said Section, the following words:

"*Provided further*, that in the event the trial before the justice of the peace takes place at least fifteen days prior to the convening of said Superior Court, said appeal shall upon the demand of either plaintiff or defendant, be docketed in time to be tried at said first term of said Superior Court after said trial before the justice of the peace;"

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 409 **CHAPTER 1160**

AN ACT TO AMEND SECTION 20-252 OF THE GENERAL STATUTES RELATIVE TO THE PROOF OF FINANCIAL RESPONSIBILITY WHICH MAY BE FURNISHED BY HOLDERS OF RESTRICTED OR LIMITED CHAUFFEURS' OR MOTOR VEHICLE OPERATORS' LICENSES.

The General Assembly of North Carolina do enact:

G. S. 20-252, Motor Vehicle Safety and Responsibility Act. amended.

SECTION 1. Section 20-252 of the General Statutes, 1947 Cumulative Supplement, is hereby amended by changing the semicolon at the end of line 14 to a period and by adding the following immediately thereafter:

Proof of financial responsibility of holder of restricted or limited operators license.

"The commissioner is authorized to accept from the holder of a restricted or limited chauffeur's or motor vehicle operator's license, as proof of financial responsibility, a certificate of an insurance carrier, authorized to do business in this State, certifying that there is in effect a motor vehicle liability policy for the benefit of the holder of such license covering the operation by such person of a motor vehicle in accordance with the restriction or limitation to which such person's chauffeur's or operator's license is subject."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 410 **CHAPTER 1161**

AN ACT TO AMEND SECTION 20-227, SUBSECTION (8) OF THE GENERAL STATUTES RELATIVE TO NOTICE OF CANCELLATION OR TERMINATION OF A MOTOR VEHICLE LIABILITY POLICY ISSUED PURSUANT TO THE REQUIREMENTS OF THE MOTOR VEHICLE SAFETY AND RESPONSIBILITY ACT.

The General Assembly of North Carolina do enact:

G. S. 20-227, Motor Vehicle Safety and Responsibility Act, amended.

SECTION 1. Subsection (8) of Section 20-227 of the General Statutes is hereby amended by striking out the period at the end of the Subsection and inserting in lieu thereof the following:

Notice of cancellation or termination of liability policy.

"; *Provided,* that when an insurance carrier has certified a policy under the provisions of this Article, such policy shall be deemed to be continued in full force and effect and to provide the insured with financial responsibility as required by this Article until twenty days after notice of cancellation or termination of the policy, whether such cancellation or termination is by reason of the expiration of the term of the policy or for other cause, it being the intent of this proviso to permit insurance carriers to issue renewal or substitute policies meeting the requirements of this Article without the necessity of furnishing to the commissioner new certificates of insurance coverage upon the issuance of each renewal or substituted policy, and it being the further intent of this proviso to authorize the commissioner to rely upon the original certificate of liability insurance coverage so long as the insured maintains with the same insurance carrier adequate insurance coverage meeting the requirements of this Article."

Issuance of renewal or substitute policies.

Intent of Act.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 421 **CHAPTER 1162**

AN ACT TO MAKE APPROPRIATIONS FOR CERTAIN GENERAL FUND PURPOSES FOR THE FISCAL YEAR 1948-49.

Preamble: Salary increases authorized for Supreme Court Justices, etc.

WHEREAS, the General Assembly of 1949 enacted legislation increasing the salaries of Supreme Court Justices, Superior Courts Judges and Superior Courts Solicitors effective January 1, 1949; and

No appropriation provided for increases.

WHEREAS, there is no appropriation for the fiscal year 1948-49 to provide for these increases which have been enacted into law by this General Assembly: *Now, therefore,*

The General Assembly of North Carolina do enact:

Appropriation from General Fund of State for purposes of authorized increases.

SECTION 1. There is hereby appropriated out of the General Fund of the State for the fiscal year 1948-49 the amount of eighty-six thousand, two hundred and seventy-five dollars ($86,275.00) to be used for the following purposes:

1. Supreme Court—Justices $15,400.00
2. Superior Courts—Judges 47,250.00
3. Superior Courts—Solicitors 23,625.00

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 435 **CHAPTER 1163**

AN ACT TO AMEND CHAPTER 906, SESSION LAWS OF 1947, AS AMENDED BY HOUSE BILL NO. 565, SESSION LAWS OF 1949.

The General Assembly of North Carolina do enact:

Ch. 587, Session Laws, 1949, relating to appointment of mayor and commissioners, Town of Kure Beach, amended.

SECTION 1. That Section 12 of House Bill No. 565, Session Laws of 1949, amending Chapter 906, Session Laws of 1947, be, and the same is hereby, amended by striking out the words "the first Monday in June following" in line 12 of the third paragraph of said Section, and inserting in lieu thereof the words "the first Tuesday in June following".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 446 CHAPTER 1164

AN ACT TO AMEND G. S. 19-1, RELATING TO ABATEMENT OF NUISANCES, SO AS TO INCLUDE PLACES WHERE NARCOTIC DRUGS ARE ILLEGALLY SOLD.

The General Assembly of North Carolina do enact:

G. S. 19-1, amended to include in term "public nuisance" places for illegal sale of narcotic drugs.

SECTION 1. G. S. 19-1 is hereby amended by placing a comma immediately following the word "whiskey" and immediately preceding the word "is" in line 5 and inserting the following words: "or illegal sale of narcotic drugs as defined in the Uniform Narcotic Drug Act".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 419 CHAPTER 1165

AN ACT TO PROVIDE FOR THE INSPECTION AND REGULATION OF THE SALE OF ANTIFREEZE SUBSTANCES AND PREPARATIONS.

The General Assembly of North Carolina do enact:

G. S. Ch 106, amended by enactment of Art. 51, Inspection and Regulation of Sale of Antifreeze Substances and Preparations.

SECTION 1. Chapter 106 of the General Statutes is hereby amended by adding thereto a new Article, to be designated as Article 51, and which said Article shall read as follows:

"Art. 51. Inspection and Regulation of the Sale of Antifreeze Substances and Preparations.

G. S. 106-569. Definitions.

"SEC. 106-569. Definitions. When used in this Article, unless the context or subject matter otherwise requires:

"Antifreeze."

(a) The term or word "antifreeze" shall include all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point.

(b) The term "person", as used in this Article, shall be construed to mean both the singular and plural as the case demands, and shall include individuals, partnerships, corporations, companies and associations. "Person."

"SEC. 106-570. Adulteration; what constitutes. An antifreeze shall be deemed to be adulterated: G. S. 106-570. Adulteration.

(1) If it consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user.

(2) If its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is sold.

(3) If it consists of, or is compounded with calcium chloride, magnesium chloride, sodium chloride, petroleum distillates or other chemicals or substances in quantities harmful to the cooling systems of internal combustion engines.

"SEC. 106-571. Misbranding; what constitutes. An antifreeze shall be deemed to be misbranded: G. S. 106-571. Misbranding.

(1) If its labeling is false or misleading in any particular.

(2) If in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller or distributor; and an accurate statement of quantity of the contents in terms of weight or measure, and they are not plainly and correctly stated on the outside of the package or container.

"SEC. 106-572. Inspection, analysis and permit for sale of antifreeze. Before any antifreeze shall be sold, exposed for sale, or stored, packed or held with intent to sell within this State, a sample thereof must be inspected under the supervision of the State Chemist in the Department of Agriculture, created by Chapter 106 of the General Statutes. Upon application of the manufacturer, packer, seller or distributor and the payment of a license or inspection fee of twenty-five dollars ($25.00) for each brand or type of antifreeze submitted, the State Chemist shall subject to inspection or analysis the antifreeze so submitted. If the antifreeze is not adulterated or misbranded, if it meets the standards established and promulgated by the North Carolina State Board of Agriculture, established by Chapter 106 of the General Statutes, and if the said antifreeze is not such a type or kind that is in violation of this Article, the Commissioner of Agriculture shall give the applicant a written license or permit authorizing the sale of such antifreeze in this State for the fiscal year in which the license or inspection fee is paid, which license or permit shall be subject to renewal annually. If the Commissioner of Agriculture shall, at a later date, find that the antifreeze product or substance to be sold, exposed for sale or

G. S. 106-572. Inspection, analysis and permit for sale of antifreeze.

Inspection by State Chemist; inspection fee.

Written permit or license from Commissioner of Agriculture.

Cancellation of permit.

held with intent to sell has been materially altered or adulterated, or a change has been made in the name, brand or trademark under which the antifreeze is sold, or that it violates the provisions of this Article, the Commissioner of Agriculture shall notify the applicant and the license or permit shall be canceled forthwith. No license or permit for the sale of antifreeze in this State shall be issued until application has been made as provided by this Article and such samples of the product as may be required by the State Chemist to qualify it have been submitted and until the State Chemist notifies the Commissioner of Agriculture that said antifreeze meets the requirement of this Article.

G. S. 106-573. Act to be administered by Commissioner of Agriculture.

"SEC. 106-573. Act to be administered by the Commissioner of Agriculture. The Commissioner of Agriculture shall administer and enforce the provisions of this Article by inspections, chemical analysis, or any other appropriate methods. All quantities or samples of antifreeze submitted for inspection or analysis shall be taken from stocks in this State or intended for sale in this State or the Commissioner of Agriculture, through his agents, may call upon the manufacturer or distributor applying for an inspection of antifreeze to supply such sample thereof for analysis. The Commissioner of Agriculture, through his agents or inspectors, shall have free access during business hours to all places of business, buildings, vehicles, cars and vessels used in the manufacture, transportation, sale or storage of any antifreeze, and the Commissioner of Agriculture, acting through his agents, may open any box, carton, parcel, package or container holding or containing or supposed to contain any antifreeze and may take therefrom samples for analysis. If it appears that any of the provisions of this Article have been violated, the Commissioner of Agriculture, acting through his authorized agents, inspectors or representatives, is hereby authorized to issue a "stop-sale" order which shall prohibit further sale of any antifreeze being sold, exposed for sale or held with intent to sell within this State in violation of this Article, until the law has been complied with or said violation has otherwise been legally disposed of. Any antifreeze not in compliance with the provisions of this Article shall be subject to seizure upon complaint of the Commissioner of Agriculture or any of his agents, inspectors or representatives to a court of competent jurisdiction in the area in which said antifreeze is located. In the event the court finds said antifreeze to be in violation of this Article, it may order the condemnation of said antifreeze, and the same shall be disposed of in any manner consistent with the rules and regulations of the Board of Agriculture and the laws of the State: *Provided,* that in no instance shall the disposition of said antifreeze be ordered by the court without first giving the claimant or owner of same an opportunity to apply to the court for the release of said antifreeze or for permission to process or relabel said antifreeze so as to bring it into compliance with this Article.

Samples submitted for anlysis.

Powers of investigation of Commissioner.

Authority to issue "stop-sale" order.

Antifreeze not complying with standards subject to seizure.

Condemnation and disposal of such antifreeze.

Application of owner for permission to process or relabel stock to meet standards.

In case any "stop-sale" order shall be issued under the provisions of this Article, the agents, inspectors or representatives of the Commissioner of Agriculture shall release the antifreeze so withdrawn from sale when the requirements of the provisions of this Article have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

G. S. 106-574. Rules and regulations.

"SEC. 106-574. Rules and regulations. The Board of Agriculture shall have authority to establish and promulgate such rules and regulations and standards as are necessary to promptly and efficiently enforce the provisions of this Article. The Commissioner of Agriculture shall administer this Article and shall execute all orders, rules and regulations established by the Board of Agriculture. All authority vested in the Commissioner of Agriculture by virtue of the provisions of this Article may, with like force and effect, be executed by such employees, agents, inspectors and representatives of the Commissioner of Agriculture as he may, from time to time, designate for such purpose. The Commissioner of Agriculture may publish or furnish, upon request, a list of the brands and classes or types of antifreeze inspected by the State Chemist during the fiscal year which have been found to be in accord with this Article and for which a license or permit for sale has been issued, and it shall be lawful for any manufacturer, packer, seller, or distributor of antifreeze to show, by advertising, in any manner, that his or its brand of antifreeze has been inspected, analyzed and licensed for sale by the Commissioner of Agriculture, acting through the State Chemist. It shall be unlawful for any manufacturer, packer, seller, or distributor of antifreeze to advertise, in any manner, that such antifreeze so advertised for sale has been approved by the Commissioner of Agriculture.

Administration of Article.

Designation of authority of Commissioner.

List of approved brands and classes of antifreeze.

Advertising approval by Commissioner.

G. S. 106-575. Gasoline and oil inspectors may be designated as agents of Commissioner.

"SEC. 106-575. Gasoline and oil inspectors may be designated as agents of the commissioner. The Commissioner of Agriculture, with the approval of the Commissioner of Revenue, may designate any or all of the gasoline and oil inspectors appointed under Article 3 of Chapter 119 of the General Statutes as agents and representatives of the Commissioner of Agriculture for the purposes of administering and carrying out the duties imposed by this Article. All or any gasoline and oil inspectors designated as agents of the Commissioner of Agriculture pursuant to this Section shall have all of the power and authority that may be delegated to them by the Commissioner of Agriculture for the enforcement of this Article; and when acting in the enforcement of this Article, such gasoline and oil inspectors shall be deemed to be agents and representatives of the Commissioner of Agriculture.

Power and authority of inspectors.

G. S. 106-576. Submission of formula or chemical contents of antifreeze to Commissioner.

"SEC. 106-576. Submission of formula or chemical contents of antifreeze to the commissioner. When any manufacturer, packer, seller or distributor of antifreeze applies to the Commissioner of Agriculture for a license or permit to sell antifreeze in this

State, the Commissioner of Agriculture may require such manufacturer, packer, seller or distributor to furnish the State Chemist a statement of the formula or contents of such antifreeze, which said statement shall conform to rules and regulations established by the Board of Agriculture: *Provided*, that the statement or formula or contents need not include the inhibitor ingredients if such inhibitor ingredients total less than five percent (5%) by weight of the antifreeze and if in lieu thereof the manufacturer, packer, seller or distributor furnishes the State Chemist with satisfactory evidence, other than by disclosure of the inhibitor ingredients, that the said antifreeze is in conformity with the provisions of Section 106-570. All statements of contents, formulae or trade secrets furnished under this Section shall be privileged and confidential and shall not be made public or open to the inspection of any person, firm, association or corporation other than the State Chemist. All such statements of contents shall not be subject to subpoena nor shall the same be exhibited or disclosed before any administrative or judicial tribunal by virtue of any order or subpoena of such tribunal unless with the consent of the person, firm, association or corporation owning and/or furnishing to the State Chemist such statement of contents.

Statements of formula considered confidential.

G. S. 106-577. Penalties for violation.

"SEC. 106-577. Penalties for violation. Any person, firm, association or corporation violating or failing to comply with any of the provisions of this Article, or any rule, regulation or standard issued pursuant thereto, shall be deemed guilty of a misdemeanor, and upon plea of guilty or conviction shall be punished in the discretion of the court, and each day that any violation of this Article shall exist shall be deemed to be a separate offense. Whenever the Commissioner of Agriculture or his agents or representatives shall discover that any antifreeze is being sold or has been sold in violation of this Article, the Commissioner of Agriculture or his agent or representative may furnish the facts to the solicitor or prosecuting officer of the court having jurisdiction in the area in which such violation occurred, and it shall be the duty of such prosecuting officer or solicitor of the court having jurisdiction in the area in which such violation occurred, and it shall be the duty of such prosecuting officer or solicitor to promptly institute proper legal proceedings.

G. S. 106-578. Appropriation for enforcement of Article.

"SEC. 106-578. Appropriation for enforcement of Article. All license or permit fees provided for in this Article shall be collected by the Commissioner of Agriculture, deposited in the Department of Agriculture Fund, of which the State Treasurer is custodian, and shall be expended for the administration and enforcement of this Article. The Commissioner of Agriculture is hereby authorized to employ such number of agents, clerks and experts as may be necessary to administer and effectively enforce all of the provisions of this Article. There shall, from time to time, be allotted by the Budget Bureau from the in-

spection fees collected under G. S. 119-18 such sums as may be necessary to administer and effectively enforce the provisions of this Article.

"SEC. 106-579. Copy of analysis in evidence. A copy of the analysis made by any chemist of the Department of Agriculture of any antifreeze certified to by him shall be administered as evidence in any court of the State on trial of any issue involving the merits of antifreeze as defined and covered by this Article." G. S. 106-579. Copy of analysis in evidence.

SEC. 2. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. Partial invalidity section.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 920 CHAPTER 1166

AN ACT AUTHORIZING THE ESTABLISHING OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF WALLACE UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of the Town of Wallace may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not town liquor control stores may be operated in the Town of Wallace and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of town liquor control stores, no such stores shall be set up or operated in said town under provisions of this Act. Town of Wallace, election on question of operation of liquor control stores. Effect of election results.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said regis- Notice of election.

Registration.

tration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election.

Form of ballot.

In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Stores", "Against Town Liquor Control Stores". Those favoring setting up and operating liquor stores in the Town of Wallace shall mark in the voting square to the left of the words "For Town Liquor Control Stores" printed on the ballot, and those opposed to town liquor control stores shall mark in the voting square to the left of the words "Against Town Liquor Control Stores."

Conduct of election.

Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for the Mayor of the Town of Wallace. The cost of said election shall be paid from the General Fund of the Town of Wallace.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer.

Disposition of property.

Application of laws relating to sale of intoxicating beverages.

Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Wallace in force and effect prior to the authorization to operate town liquor control stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores."

Limitation on time between elections.

No election shall be called and held in the Town of Wallace under the provisions of this Act within three years from the holding of the last election thereunder.

Time of special liquor election.

It shall be the duty of the Board of Commissioners of the Town of Wallace to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Wallace general election or primary election, or within thirty (30) days of any such election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Wallace shall immediately create a town board of alcoholic control to be composed of a

chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Wallace Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Appointment of members; terms.

Successor and vacancy appointments.

SEC. 5. The said Town of Wallace Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said Town of Wallace Board of Alcoholic Control and the operation of any town liquor control stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Wallace Board of Alcoholic Control.

Powers and duties of board.

Application of G. S. Ch. 18, Art. 3.

SEC. 6. The net profits derived from the operation of liquor control stores in the Town of Wallace shall be divided as follows, to-wit: Twenty-five per cent (25%) of the net profits shall be turned over to the Duplin County Board of Commissioners and to be used by the said County Board for the Welfare Department of Duplin County, and seventy-five per cent (75%) of the said net profits shall be turned over to the town general fund and subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental purpose and/or for any one or more of the following purposes:

Allocation of net profits from operation of stores.

A. Acquisition and improvement of lands for public parks and playgrounds.

Public parks and playgrounds.

B. To supplement the salaries of public school teachers teaching in the Wallace Town Administrative Unit.

Supplement salaries of public school teachers.

C. To operate the Town Administrative Unit Schools at a higher standard than provided by county or State support, but for a term of not more than one hundred eighty (180) days.

Operation of higher standard of schools.

D. Acquiring, construction, and improving airports or landing fields for the use of airplanes or aircraft.

Airports or landing fields.

Public hospitals.

E. Acquisition of sites and construction, maintenance, and operation of public hospitals.

Public libraries, etc.

F. For the acquisition, maintenance, enlargement, and improvement of public libraries, public art museums and armories.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the County Board of Elections or the County Board of Commissioners shall call a county election on Alcoholic Beverage Control Stores, as now provided by law, within sixty days from the ratification of this Act.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 952 CHAPTER 1167

AN ACT TO TRANSFER THE ADMINISTRATION OF THE GASOLINE AND OIL INSPECTION LAW FROM THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF AGRICULTURE.

The General Assembly of North Carolina do enact:

Transfer of administration of Gasoline and Oil Inspection Law to Department of Agriculture.

SECTION 1. The administration of the Gasoline and Oil Inspection Law is hereby transferred from the Department of Revenue to the Department of Agriculture. The collection of the gasoline and oil inspection fee or tax shall still be made by the Department of Revenue in the manner in which it is now being collected. In order to effectuate the purposes of this Act all statutes in which administrative duties relating to the Gasoline and Oil Inspection Law are imposed upon the Commissioner of Revenue are hereby amended so as to impose such duties upon the Commissioner of Agriculture, and the following statutes are hereby specifically amended.

General statutes amended to conform.

Specific amendments.

G. S. 20-1, powers of department of motor vehicles, amended.

I. (a) Amend Section 20-1 of the General Statutes by striking out of lines 22 and 23 thereof the following language:

"the inspection of gasoline and oil."

(b) Further amend Section 20-1 of the General Statutes by striking out of lines 24, 25, 26, 27 and 28 thereof the following:

"and the duties, powers and functions arising by virtue of Sections 119-41 and 119-42, relating to the issuance of permits to vehicles engaged in the transportation of petroleum products, shall not be affected by such transfer, but"

II. Amend Section 119-6 of the General Statutes by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-6, inspection of lubricating oils, amended.

III. Amend Section 119-23 of the General Statutes (1947 Cumulative Supplement) by striking out the first sentence thereof and inserting in lieu thereof the following:

G. S. 119-23, amended to provide collection of gasoline and oil inspection fees or taxes by Dept. of Revenue.

"Gasoline and oil inspection fees or taxes shall be collected by, and reports relating thereto shall be made to, the Department of Revenue. The administration of the Gasoline and Oil Inspection Law shall otherwise be administered by the Commissioner of Agriculture."

IV. Rewrite Section 119-24 of the General Statutes to read as follows:

G. S. 119-24, rewritten.

"SECTION 119-24. Report of operation and expenses to General Assembly. The Commissioner of Revenue shall include in his report to the General Assembly an account of the operation and expenses of his phase of the Gasoline and Oil Inspection Law and the Commissioner of Agriculture shall include in his report to the General Assembly an account of his portion of the operation and expenses of the Gasoline and Oil Inspection Law."

Report of operation and expenses of Gasoline and Oil Inspection Law to General Assembly.

V. Rewrite the first sentence of Section 119-25 of the General Statutes to read as follows:

G. S. 119-25, inspectors, clerks and assistants, amended.

"The Commissioner of Revenue and the Commissioner of Agriculture, respectively, shall appoint and employ such number of inspectors, clerks and assistants as may be necessary to administer and effectively enforce all the provisions of the Gasoline and Oil Inspection Law with the administration or enforcement of which each said commissioner is charged."

VI. Amend Section 119-26 of the General Statutes by striking out the words "commissioner of revenue" where the same appear in the first and second sentences of said Section and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-26, gasoline and oil inspection board created, amended.

VII. Amend Section 119-28 of the General Statutes by striking out the words "commissioner of revenue" wherever the same appear in said Section and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-28, regulations for sale of substitutes, amended.

VIII. Amend Section 119-29 of the General Statutes by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-29, rules and regulations of inspection board, amended.

IX. Amend Section 119-30 of the General Statutes (1947 Cumulative Supplement) by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

Amendments transferring certain powers and duties to Commissioner of Agriculture.

G. S. 119-30.

G. S. 119-31. X. Amend Section 119-31 of the General Statutes by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-32. XI. Amend Section 119-32 of the General Statutes by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-33. XII. Amend Section 119-33 of the General Statutes by striking out the words "commissioner of revenue" wherever the same appear in said Section and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-34. XIII. Amend Section 119-34 of the General Statutes by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-36. XIV. Amend Section 119-36 of the General Statutes by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-39. XV. Amend Section 119-39 of the General Statutes by inserting after the words "commissioner of revenue" in line 5 thereof the following: "or the Commissioner of Agriculture."

G. S. 119-40. XVI. Amend Section 119-40 of the General Statutes by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-41. XVII. Amend Section 119-41 of the General Statutes by striking out the words "commissioner of revenue" wherever the same appear in said Section and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-42. XVIII. Amend Section 119-42 of the General Statutes by striking out the words "commissioner of revenue" wherever the same appear therein and inserting the words "Commissioner of Agriculture."

G. S. 119-43. XIX. Amend Section 119-43 of the General Statutes by striking out the words "commissioner of revenue" and inserting in lieu thereof the words "Commissioner of Agriculture."

G. S. 119-44. XX. Amend Section 119-44 of the General Statutes by striking out the words "commissioner of revenue" wherever the same appear in said Section and inserting in lieu thereof the words "Commissioner of Agriculture."

Conflicting laws repealed. SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1065 **CHAPTER 1168**

AN ACT AUTHORIZING THE ESTABLISHING OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF WARSAW UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Town of Warsaw, election on question of operation of liquor control stores.

SECTION 1. The Board of Commissioners of the Town of Warsaw may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not town liquor control stores may be operated in the Town of Warsaw and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of town liquor control stores, no such stores shall be set up or operated in said town under provisions of this Act.

Effect of election results.

Notice of election.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Stores", "Against Town Liquor Control Stores". Those favoring setting up and operating liquor stores in the Town of Warsaw shall mark in the voting square to the left of the words "For Town Liquor Control Stores" printed on the ballot, and those opposed to town liquor control stores shall mark in the voting square to the left of the words "Against Town Liquor Control Stores." Except as otherwise herein provided, the special election authorized shall be conducted under the same Statutes, rules, and regulations applicable to elections for the Mayor of the Town of Warsaw. The cost of said election shall be paid from the general fund of the Town of Warsaw.

Registration.

Form of ballot.

Conduct of election.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months

Disposition of property.

Application of laws relating to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Warsaw in force and effect prior to the authorization to operate town liquor control stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores." No election shall be called and held in the Town of Warsaw under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Warsaw to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Warsaw general election or primary election, or within thirty (30) days of any such election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Warsaw shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Warsaw Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the town shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Appointment of members; terms.

Successor and vacancy appointments.

Powers and duties of board.

SEC. 5. The said Town of Warsaw Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said Town of Warsaw Board of Alcoholic Control, and the operation of any town liquor control stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the

Application of G. S. Ch. 18, Art. 3.

word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Warsaw Board of Alcoholic Control.

Allocation of net profits from operation of stores.

SEC. 6. The net profits derived from the operation of liquor control stores in the Town of Warsaw shall be divided as follows, to-wit: Twenty-five per cent (25%) of the net profits shall be turned over to the Treasurer of Duplin County for use of the Public Schools of Duplin County, and seventy-five per cent (75%) of the said net profits shall be turned over to the town general fund and subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental purpose and/or for any one or more of the following purposes:

Public parks and playgrounds.

A. Acquisition and improvement of lands for public parks and playgrounds.

Supplement salaries of public school teachers.

B. To supplement the salaries of public school teachers teaching in the Warsaw Town Administrative Unit.

Operation of higher standard of schools.

C. To operate the Town Administrative Unit Schools at a higher standard than provided by county or State support, but for a term of not more than one hundred eighty (180) days.

Airports or landing fields.

D. Acquiring, construction, and improving airports or landing fields for the use of airplanes or aircrafts.

Auction markets, etc.

E. Acquisition of sites and construction, maintenance, and operation of produce, tobacco, or other auction markets.

Public libraries, etc.

F. For the acquisition, maintenance, enlargement, and improvement of public libraries, public art museums and armories.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on Alcoholic Beverage Control Stores, as now provided by law, within sixty days from the ratification of this Act.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1066 CHAPTER 1169

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF KENANSVILLE UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Town of Kenansville, election on question of operation of liquor control store.

SECTION 1. The Board of Commissioners of the Town of Kenansville may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Kenansville and

Effect of election results.

if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under the provisions of this Act.

Notice of election.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registra-

Registration.

tion books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said

Form of ballot.

election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store," "Against Town Liquor Control Store." Except as otherwise herein provided, the special election authorized shall be

Conduct of election.

conducted under the same statutes, rules, and regulations applicable to elections for members of the General Assembly.

Closing of store by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store," the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town liquor

Disposition of property.

control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn

Application of laws relating to sale of intoxicating beverages.

the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Kenansville in force and effect prior to the authorization to operate a town liquor control

store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the Town of Kenansville under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Kenansville to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Kenansville general election or primary election, or within thirty (30) days of any such election.

Limitation on time between elections.

Time of special liquor election.

SEC. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Kenansville shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Kenansville Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Creation of Board of Alcoholic Control.

Appointment of members; terms.

Successor and vacancy appointments.

SEC. 5. The said Town of Kenansville Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. The said Town of Kenansville Board of Alcoholic Control and the operation of any town liquor control store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Kenansville Board of Alcoholic Control.

Powers and duties of board.

Application of G. S. Ch. 18, Art. 3.

SEC. 6. Twenty-five per cent (25%) of the net profits derived from the operation of liquor control store in the Town of Kenansville shall be turned over to the Treasurer of Duplin County for use of the public schools of Duplin County, and the remaining

Allocation of net profits from operation of store.

seventy-five per cent (75%) of the net profits derived from the operation of the Liquor Control Store in the Town of Kenansville shall be turned over to the town general fund and subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental purpose.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on Alcoholic Beverage Control Stores, as now provided by law, within sixty days from the ratification of this Act.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1081 CHAPTER 1170

AN ACT AUTHORIZING THE ESTABLISHING OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF FAISON UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Town of Faison, election on question of operation of liquor control stores.

SECTION 1. The Board of Commissioners of the Town of Faison may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not town liquor control stores may be operated in the Town of Faison and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of town liquor control stores, no such stores shall be set up or operated in said town under provisions of this Act.

Effect of election results.

Notice of election.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all

Registration.

qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Stores", "Against Town Liquor Control Stores". Those favoring setting up and operating liquor stores in the Town of Faison shall mark in the voting square to the left of the words "For Town Liquor Control Stores" printed on the ballot, and those opposed to town liquor control stores shall mark in the voting square to the left of the words "Against Town Liquor Control Stores." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for the Mayor of the Town of Faison. The cost of said election shall be paid from the General Fund of the Town of Faison.

Form of ballot.

Conduct of election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Faison in force and effect prior to the authorization to operate town liquor control stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores." No election shall be called and held in the Town of Faison under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Faison to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Faison general election or primary election, or within thirty (30) days of any such election.

Closing of stores by majority vote in subsequent election.

Disposition of property.

Application of laws relating to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

SEC. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Faison shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Faison Board of Alcoholic

Creation of Board of Alcoholic Control.

Appointment of members; terms.

Control." The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Successor and vacancy appointments.

Powers and duties of Board.

SEC. 5. The said Town of Faison Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Faison Board of Alcoholic Control and the operation of any town liquor control stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" board of alcoholic control appears in said Article, it shall include Town of Faison Board of Alcoholic Control.

Application of G. S. Ch. 18, Art. 3.

Allocation of net profits from operation of stores.

SEC. 6. The net profits derived from the operation of liquor control stores in the Town of Faison shall be divided as follows, to-wit: twenty-five per cent (25%) of the net profits shall be turned over to the Treasurer of Duplin County for the use of the public schools of Duplin County, and seventy-five per cent (75%) of the said net profits shall be turned over to the town general fund and subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental purpose and/or for any one or more of the following purposes:

Public parks and playgrounds.

A. Acquisition and improvement of lands for public parks and playgrounds.

Supplement salaries of public school teachers.

B. To supplement the salaries of public school teachers teaching in the Faison Town Administrative Unit.

Operation of higher standard of schools.

C. To operate the Town Administrative Unit Schools at a higher standard than provided by county or State support, but for a term of not more than one hundred eighty (180) days.

Airports of landing fields.

D. Acquiring, construction, and improving airports or landing fields for the use of airplanes or aircraft.

Public hospitals.

E. Acquisition of sites and construction, maintenance, and operation of public hospitals.

F. For the acquisition, maintenance, enlargement, and improvement of public libraries, public art museums and armories. Public libraries, etc.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on Alcoholic Beverage Control stores, as now provided by law, within sixty days from the ratification of this Act. Act inoperative if county election called within sixty days.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1099 CHAPTER 1171

AN ACT TO AMEND ARTICLE 4, SCHEDULE D, SUBCHAPTER 1 OF CHAPTER 105 OF THE GENERAL STATUTES RELATING TO TAXABLE GAINS OR DEDUCTIBLE LOSSES RESULTING FROM INVOLUNTARY CONVERSIONS OF PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. Article 4, Schedule D, Subchapter 1 of Chapter 105 of the General Statutes is hereby amended by inserting therein a new Section, to be designated Section 105-144.1, to read as follows: G. S. Ch. 105, Art. 4, Income tax under Revenue Act, amended.

"Involuntary conversions; recognition of gain or loss. If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations which the commissioner may, in his discretion, prescribe, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain shall be recognized, but loss shall be recognized if such loss would be recognized under this Act if such conversion had been voluntary. If any part of the money is not so expended, the gain, if any, shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years). "In the event a replacement fund is established, the commissioner may require G. S. 105-144.1, involuntary conversions; recognition of gain or loss, enacted. Surety bond required in event of establishment of replacement fund.

the taxpayer to deposit with him a surety bond or a bond secured by sufficient collateral, in double the amount of the tax which would be assessable if the funds or any part thereof were not used in the replacement of the property compulsorily or involuntarily converted, which bond shall be conditioned upon using such replacement fund in replacing such property within a reasonable time, not to exceed one year after the receipt of the funds by the taxpayer, to be determined by the commissioner, which time may be extended by the commissioner from time to time not to exceed a total time of three years within which the replacement fund may be so used or expanded, and such bond shall further be conditioned upon the payment of the tax which would have been assessable if the property had been voluntarily converted if the taxpayer fails to use the fund for the replacement of the involuntarily converted property within the time allowed by the commissioner.

Condition of bond.

Establishment of replacement fund deemed waiver of statute of limitation as to assessment.

Assssment by commissioner.

"The establishment of a replacement fund and the giving of bond as herein provided shall be deemed a waiver by the taxpayer of any statute limiting the time within which the commissioner may make an assessment against the taxpayer on account of any taxable gain which may have been realized from such involuntary conversion, and the commissioner may make such assessment at any time within three years after the expiration of the time or extended time within which the taxpayer shall have been permitted to expend the replacement fund in the replacement of the property involuntarily converted. If an assessment is made, such assessment shall be for the year or years in which the gain would have been taxable if no replacement fund had been established, and to such tax so assessed there shall be added all penalties and interest applicable to such year or years.

"Control" defined.

"As used in this Section, the term "control" means the ownership of stock possessing at least eighty per centum (80%) of the total combined voting power of all classes of stock entitled to vote, and at least eighty per centum (80%) of the total number of shares of all other classes of stock of the corporation.

Application of Federal rules and regulations.

"In the administration of this Section, the commissioner may, in his discretion, apply the Federal rules and regulations, rulings, and Federal court decisions pertinent to the administration and construction of Section 112 (f) of the Federal Internal Revenue Code, but the commissioner shall not be bound by such rules and regulations, rulings and decisions."

Application to pending litigation.

SEC. 2. This Act shall affect pending litigation.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1107 **CHAPTER 1172**

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA, FIX THEIR TERMS OF OFFICE, AND LIMIT COMPENSATION AT STATE EXPENSE.

The General Assembly of North Carolina do enact:

SECTION 1. That the hereinafter named persons are hereby appointed members of the county boards of education for the several counties in the State as follows, to-wit: Biennial appointment of County Boards of Education.

Alamance—Thomas E. Powell, Jr., J. C. Wilkins, each for a term of six years. Alamance County.

Alexander—E. L. Hedrick, for a term of six years. Alexander County.

Alleghany—G. N. Evans, J. Greek Hill, each for a term of four years. Alleghany County.

Anson—Baxter T. McRae, for a term of six years; Marshall D. Taft for a term of four years, and Milton D. Steagall for a term of two years. Anson County.

Ashe—G. O. Burgess, L. P. Colvard, Cleve Francis, Clyde Houck, Arthur Rose, Bradley Sturgill, each for a term of two years. Ashe County.

Avery—Robert B. Guy, for a term of two years; J. F. Hampton, for a term of four years; R. T. Lewis, for a term of six years. Avery County.

Beaufort—B. Frank Godley, Ralph H. Hodges, W. T. Ralph, each for a term of two years; Herbert Hoell, Jack McWilliams, Chas. L. Toler, each for a term of four years. Beaufort County.

Bertie—C. D. Bazemore, T. E. White, Leo Wynns, each for a term of two years. Bertie County.

Bladen—Henry Beatty, J. Neill Clark, J. S. Melvin, each for a term of two years. Bladen County.

Brunswick—Sam J. Frink, Herbert Long, H. Foster Mintz, Thomas W. St. George, D. B. Simmons, each for a term of two years, shall constitute the entire Board of Education for Brunswick County. Brunswick County.

Buncombe—Chas. C. Bell, John M. James, B. E. Morgan, R. C. Torian, Glen West, each for a term of two years. Buncombe County.

Burke—George D. Carpenter, Harold Perry, each for a term of two years; M. S. Arney, L. H. McNeely, each for a term of four years; C. L. Yount, for a term of six years. Burke County.

Cabarrus County. Cabarrus—Boyd Biggers, for a term of six years.

Caldwell County. Caldwell—George W. Boutwell, John A. Frazier, V. D. Guire, C. A. Sherrill, R. Maynard Teague, Davis F. Tuttle, each for a term of two years.

Camden County. Camden—C. G. Harrison, W. I. Sawyer, James Boyd Seymour, each for a term of two years.

Carteret County. Carteret—D. Mason, L. W. Moore, each for a term of four years.

Catawba County. Catawba—Cowles Gaither, for a term of two years; J. C. Howard, for a term of four years; Richard C. Boyd for a term of two years; John F. Carpenter for a term of four years; R. A. Sigmon for a term of six years.

Chatham County. Chatham—Wade Paschal, T. D. Thrailkill, C. A. Snipes, for a term of two years each.

Cherokee County. Cherokee—Noah Hembree, Lawson Lunsford, B. B. Palmer, each for a term of two years. Trustees of Andrews School Administrative Unit—James Bryson, Jr., Dr. Chas. O. Van Gorder, each for a term of two years.

Chowan County. Chowan—D. H. Berryman, J. I. Boyce, Lloyd Briggs, Carey Evans, G. E. Nixon, G. B. Potter, each for a term of two years.

Clay County. Clay—Frank Rogers, for a term of two years; Paul Caler, for a term of four years; R. L. Long, for a term of six years.

Cleveland County. Cleveland—B. Austell, A. L. Calton, C. D. Forney, Sr., W. H. Lutz, R. L. Plonk, each for a term of two years.

Columbus County. Columbus—James W. Peay, B. L. Townsend, Jr., each for a term of two years; M. K. Long, B. H. Small, J. T. Wooten, Jr., each for a term of four years; R. J. Lamb, L. P. Ward, each for a term of six years. Trustees of Whiteville City School Administrative Unit—Alton Edwards, E. L. White, each for a term of six years.

Craven County. Craven—Leonard Brown, J. Macon Miller, Larry B. Pate, J. L. Peterson, Leslie R. Sermons, C. A. Siefert, Fred H. Whitehurst, each for a term of two years.

Cumberland County. Cumberland—I. B. Julian, Archie S. Lawhon, E. L. Maxwell, each for a term of six years.

Currituck County. Currituck—Mrs. Y. M. Barber, E. W. Brumley, Mrs. T. G. Griggs, Charlie Roberts, O. L. Woodhouse, each for a term of two years.

Dare County. Dare—R. L. Craddock, Ellis Gray, Mrs. Mabel E. Jones, Elwood Parker, E. P. White, each for a term of two years.

Davidson County. Davidson—Dr. P. L. Feezor, Dr. F. L. Mock, Ralph H. Wilson, each for a term of four years.

Davie—S. W. Furches, Grady Ward, each for a term of four years. Davie County.

Duplin—Robert M. Carr, for a term of six years. Duplin County.

Durham—Clifton Ball, Carl C. Council, Charles E. Jordan, T. O. Sorrell, E. L. Tilley, each for a term of two years. Durham County.

Edgecombe—W. W. Green, S. R. Jenkins, each for a term of four years. Edgecombe County.

Forsyth—No vacancies. Forsyth County.

Franklin—Mrs. T. H. Dickens, Paul W. Elam, each for a term of six years. Franklin County.

Gaston—J. Milton Craig, D. L. Friday, each for a term of six years. Gaston County.

Gates—Mrs. Marian R. Nixon, for a term of six years. Gates County.

Graham—J. D. Stratton, for a term of six years. Graham County.

Granville—Lewis Gooch, J. A. Timberlake, each for a term of four years. Granville County.

Greene—Willie T. Eason, Joe Edmundson, W. Herbert Graves, Carl T. Hicks, A. C. Oaks, each for a term of two years. Greene County.

Guilford—Zack L. Whitaker, for a term of six years; John R. Peacock, for a term of four years. Guilford County.

Halifax—Mrs. Sam A. Dunn, N. M. Hockaday, Mrs. Treva H. Millikin, T. B. Moss, A. J. Moye, T. W. Myrick, Mrs. W. P. White, Jr., each for a term of two years. Halifax County.

Harnett—W. M. Pearson, Chas. U. Skinner, Jr., each for a term of two years; J. R. Baggett, Jr., W. E. Nichols, Sidney G. Thomas, each for a term of four years. Harnett County.

Haywood—No vacancies. Haywood County.

Henderson—B. B. Massagee, for a term of six years. Henderson County.

Hertford—William R. Raynor, Starkey Sharpe, Jr., G. T. Underwood, each for a term of two years. Hertford County.

Hoke—Robert H. Gatlin, W. L. Gibson, Carl G. Riley, A. W. Wood, each for a term of two years; N. L. McFayden, for a term of four years. Hoke County.

Hyde—E. R. Clark, George M. Cutrell, Marvin A. Swindell, each for a term of two years. Hyde County.

Iredell—No vacancies. Iredell County.

Jackson—J. W. Crawford, L. H. Higdon, Ed Hooper, each for a term of two years. Jackson County.

Johnston County. Johnston—James W. Earp, for a term of six years.

Jones County. Jones—J. P. Davenport, D. A. Jones, J. A. Koonce, G. S. Pelletier, Herbert Hyndall, each for a term of two years.

Lee County. Lee—D. E. Shaw, for a term of four years; R. O. Humphrey, for a term of six years.

Lenoir County. Lenoir—Preston Harper, J. Melvin Jones, R. S. (Bob) Parker, A. Forrest Waller, Elmer S. Wooten, each for a term of two years.

Lincoln County. Lincoln—W. G. Bandy, Pat Harrill, John B. Leatherman, B. K. Mundy, T. A. Warlick, each for a term of two years.

Macon County. Macon—Fred Edwards, Walter Gibson, Gordon Moore, Florence S. Sherrill, Robert S. Sloan, each for a term of two years.

Madison County. Madison—W. T. Moore, for a term of four years; Chan W. Balding, E. Y. Ponder, each for a term of four years; J. Clyde Brown, Dr. R. Bruce Sams, each for a term of six years.

Martin County. Martin—J. D. Woolard, for a term of four years; Cecil Powell, for a term of four years; George C. Griffin, for a term of two years; Ferd W. Holliday, for a term of two years; Ernest C. Edmondson, for a term of two years.

McDowell County. McDowell—J. E. English, for a term of six years.

Mecklenburg County. Mecklenburg—Fred A. Cochrane, W. B. McClintock, each for a term of six years.

Mitchell County. Mitchell—Harry L. Wilson, for a term of six years.

Montgomery County. Montgomery—Edgar A. Maness, E. R. Wallace, each for a term of two years; D. C. Ewing, D. G. Ridenhour, Harold Scott, each for a term of four years.

Moore County. Moore—J. A. Culbertson, Jere N. McKeithen, T. Roy Phillips, G. H. Purvis, Fred L. Taylor, each for a term of two years.

Nash County. Nash—G. E. Beal, Jno. W. Roberson, J. G. Vick, each for a term of two years.

New Hanover County. New Hanover—James S. Craig, Jr., John T. Hoggard, L. T. Landen, Emsley A. Laney, Mrs. C. L. Meister, J. C. Roe, each for a term of two years.

Northampton County. Northampton—L. F. Bradley, J. G. Madry, Dr. C. G. Parker, Dr. John Wesley Parker, Jr., Garland Ricks, John Shaw, H. P. Stephenson, each for a term of two years.

Onslow County. Onslow—J. C. Collins, R. A. Hartsfield, Willie T. Jarman, Sam Starling, William H. Walton, each for a term of two years.

Orange County. Orange—Z. C. Burton, for a term of two years; Kemp Cate, for a term of four years; C. W. Stanford, for a term of six years.

Pamlico—Oscar Barnett, B. W. Lupton, W. H. Mason, Ralph H. McCotter, J. A. Tingle, Jr., each for a term of two years. Pamlico County.

Pasquotank—J. H. Bright, J. H. LeRoy, Horace G. Reid, each for a term of two years; V. B. Morgan, Dennis S. Morgan, Jarvis M. Scott, Buxton White, each for a term of four years. Pasquotank County.

Pender—D. J. Farrior, T. J. Henry, Harry W. Williams, each for a term of two years. Pender County.

Perquimans—Geo. Caddy, Mrs. A. R. Cook, D. H. Eure, Mrs. Alice Futrell, S. M. Long, Carroll V. Ward, Julian A. White, each for a term of four years. Perquimans County.

Person—E. E. Bradsher, Dr. J. D. Fitzgerald, Claud T. Hall, Robert L. Hester, Clyde T. Satterfield, each for a term of two years. Person County.

Pitt—Earl Trevathan, T. G. Worthington, each for a term of two years; Joseph S. Moye, for a term of six years. Pitt County.

Polk—Roy T. Baisden, Sid Feagan, Hugh Jack, Tol V. Odel, Donald Spurlin, each for a term of two years. Trustees for Tryon School Administrative Unit—K. A. Bowen, W. M. Hester, Nelson Jackson, III, Ed Langford, Seth Vining, each for a term of two years. Polk County.

Randolph—T. S. Bouldin, for a term of four years; A. B. Cox, for a term of four years; Earl Johnson, for a term of six years. Randolph County.

Richmond—Fred Phillips, for a term of four years; J. W. McKenzie, Mrs. J. C. Terry, each for a term of six years. Richmond County.

Robeson—George T. Ashford, I. P. Graham, A. B. McRae, W. Scott Shepherd, Grady Townsend, each for a term of two years. Robeson County.

Rockingham—L. W. Matthews, E. S. Powell, J. L. Roberts, J. Benton Stacey, J. O. Thomas, each for a term of two years. Rockingham County.

Rowan—Roy S. Safrit, for a term of six years. Rowan County.

Rutherford—J. Harvey Carpenter, for a term of six years. Rutherford County.

Sampson—H. L. Green, B. E. Jackson, A. Russell Jones, W. E. Peterson, John C. Warren, each for a term of two years. Sampson County.

Scotland—Dr. J. M. Gardner, for a term of two years; W. G. Shaw, for a term of four years; Edwin Morgan, for a term of six years. Scotland County.

Stanly—Fred Parker, for a term of two years; W. G. Dotson, Edward D. Holbert, each for a term of four years. Stanly County.

Stokes—W. Ernest Collins, for a term of six years. Stokes County.

Surry—J. M. Folger, C. A. McNeill, J. A. Pell, Jr., P. N. Taylor, J. G. Wood, each for a term of four years. Surry County.

Swain County. Swain—S. W. Black, Humphrey Browning, Mrs. W. E. Elmore, J. O. Freeman, R. N. Wiggins, each for a term of two years.

Transylvania County. Transylvania—F. S. Best, Homer N. McCall, E. W. Medford, Harry Sellers, Dewey Winchester, each for a term of two years.

Tyrrell County. Tyrrell—B. Frank Alexander, Robert L. Spencer, Julian H. Swain, each for a term of two years.

Union County. Union—R. F. Beasley, Jr., Allen W. Collins, J. M. Edwards, Vernon A. Moore, Vander S. Simpson, each for a term of two years.

Vance County. Vance—M. L. Hight, D. L. Hoyle, A. B. Pleasants, B. A. Scott, each for a term of six years.

Wake County. Wake—Thomas A. Banks, for a term of six years.

Warren County. Warren—Frank Barlow, E. R. Davis, J. E. Rooker, Jr., Robert P. Thorn, Harry W. Walker, each for a term of two years.

Washington County. Washington—P. D. Belanga, L. E. Hassell, James W. Norman, each for a term of four years.

Watauga County. Watauga—S. C. Greene, Wiley G. Hartzhog, Tom Jackson, Howard W. Mast, Clyde Perry, each for a term of two years.

Wayne County. Wayne—Elton O. Aycock, for a term of six years.

Wilkes County. Wilkes—R. R. Church, for a term of six years.

Wilson County. Wilson—S. E. High, Sr., for a term of six years; Melvin V. Wilkerson, four years; Fred L. Carr, two years; R. F. Speight, two years; J. Norwood Whitley, two years.

Yadkin County. Yadkin—O. E. Boles, H. A. Taylor, G. C. Wallace, each for a term of two years.

Yancey County. Yancey—Fred Ayers, Philip N. Hensley, Jobe Thomas, each for a term of two years.

Qualification and oath of office.

Term of office.

SEC. 2. That the members of the several county boards of education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in May, 1949, and shall, unless otherwise herein provided, hold office until the first Monday in April 1951, and until their successors are elected and qualified, and, together with the members of the boards of education of the several counties whose terms will not expire on the first Monday in April 1949, shall constitute the boards of education of the respective counties. Those members of the various county boards of education whose terms of office expired on the first Monday in April 1949 shall remain and continue in office until the first Monday in May 1949 and until their successors are appointed and qualified and all acts and things done by the said present members of such county boards of education

are ratified and approved and are as binding as if their terms of office did not expire until the first Monday in May 1949.

SEC. 3. That the per diem and mileage of not exceeding five members of the county board of education of the several counties of the State shall be borne out of the State School Fund; for any number in excess of five, out of the county school fund.

Per diam and mileage allowance.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1166 CHAPTER 1173

AN ACT TO PROVIDE ADDITIONAL EXEMPTIONS FROM INCOME TAXES FOR BLIND PERSONS, AMENDING G. S. 105-149.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 105-149 of the General Statutes of North Carolina be amended by adding thereto, at the end of paragraph (g) of Subsection 1 of said Section, the following additional paragraph to be designated paragraph (h) of said Subsection 1.

G. S. 105-149, Revenue Act, Income Tax, amended to provide additional exemption to person totally blind.

(h) In the case of any person who is totally blind, such person shall be entitled to an additional exemption of one thousand dollars ($1000.00) in addition to all other exemptions allowed by law. *Provided* such person shall submit to the Department of Revenue a certificate from a physician certifying that such condition exist.

Certificate of condition required.

SEC. 2. That this Act shall not apply to taxes collectible on or before the date of its ratification.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1181 CHAPTER 1174

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF 1949, THE SAME HAVING BEEN DESIGNATED AS SENATE BILL NO. 51 ESTABLISHING A STATE PERSONNEL DEPARTMENT AND PLACING CERTAIN GRADES AND CLASSIFICATIONS OF STATE EMPLOYEES UNDER THE JURISDICTION OF THE STATE PERSONNEL DEPARTMENT.

The General Assembly of North Carolina do enact:

Ch. 718, Session Laws, 1949, establishing State Personnel Department, etc., amended as to compensation of Council members.

SECTION 1. That certain Act of the General Assembly of North Carolina of the Session of 1949, ratified on the first day of April, 1949, the same having been designated as S. B. No. 51, entitled "An Act to Establish a State Personnel Department; to Place Certain Grades and Classifications of State Employees under the Jurisdiction of the State Personnel Department; to Establish Annual Increments for Such Employees; to Provide for the Progressive Development of Personnel Policies and Practices for State Employment, and to Rewrite Article 2 of Chapter 143 of the General Statutes of North Carolina," is hereby amended by striking out the word "ten" in line 46, on page 3, of the printed Act and by inserting in lieu thereof the word "seven"; and by striking out the figures "($10.00)" and by inserting in lieu thereof the figures "($7.00)".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1197 CHAPTER 1175

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF HERTFORD UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Town of Hertford, election on question of operation of liquor control store.

SECTION 1. That the Town Council of the Town of Hertford may, on its own motion, and shall upon a petition to said council signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Hertford and if a majority

of the votes cast in such election shall be for the operation of such store, it shall be legal for a liquor control store to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under the provisions of this Act.

Effect of election results.

SEC. 2. In calling for such special liquor election, the said council shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store", "Against Town Liquor Control Store". Those favoring setting up and operating liquor store in the Town of Hertford shall mark in the voting square to the left of the words "For Town Liquor Control Store" printed on the ballot, and those opposed to a town liquor control store shall mark in the voting square to the left of the words "Against Town Liquor Control Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for members of the General Assembly.

Notice of election.

Registration.

Form of ballot.

Conduct of election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Hertford in force and effect prior to the authorization to operate town liquor control store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the Town of Hertford under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Town Council of the Town of Hertford to order the special liquor election herein authorized within sixty

Closing of stores by majority vote in subsequent election.

Disposition of property.

Application of laws relating to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

(60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Hertford general election or primary election, or within thirty (30) days of any such election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and City or Town Council of the Town of Hertford shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well-known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Hertford Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Appointment of members; terms.

Successor and vacancy appointments.

Powers and duties of Board.

SEC. 5. The said Town of Hertford Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Hertford Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Hertford Board of Alcoholic Control.

Application of G. S. Ch. 18, Art. 3.

Allocation of net profits from operation of store.

SEC. 6. Fifty per cent (50%) of the net profits derived from the operation of the Alcoholic Beverage Control Stores in the Town of Hertford shall be paid into the General Fund of said town and be subject to appropriation by the governing body of the town for any town governmental purpose. The remaining fifty per cent (50%) of such net profits shall be turned over to the General Fund of Perquimans County and shall be subject to appropriation by the governing body of said county for any or all county governmental purposes.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on Alcoholic Beverage Control Stores, as now provided by law, within sixty days from the ratification of this Act.

Act inoperative if county election called within sixty days.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1229 CHAPTER 1176

AN ACT TO AMEND COMMITTEE SUBSTITUTE FOR HOUSE BILL 30 AS THE SAME RELATES TO THE SALES TAX ON SALES OF FUEL OIL TO FARMERS.

The General Assembly of North Carolina do enact:

SECTION 1. Rewrite Subsection (e) of Section 4 of Committee Substitute for H. B. 30 to read as follows:

Ch. 392, Session Laws, 1949, amended as to effective date of amendments to Sales Tax, Revenue Act.

"Subsection (e). Subsection (b) of this Section shall be effective on and after May 1, 1949, and the remainder of this Section shall be effective on and after July 1, 1949."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1247 CHAPTER 1177

AN ACT TO FIX THE FEES OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF JACKSON COUNTY FOR THE PROBATE AND REGISTRATION OF CHATTEL MORTGAGES.

The General Assembly of North Carolina do enact:

SECTION 1. Notwithstanding any other provision of law, in Jackson County the fee which may be charged by the Clerk of the Superior Court for the probate of a chattel mortgage shall be twenty-five cents (25c), and the fee which may be charged by the Register of Deeds of Jackson County for registering or recording a chattel mortgage shall be fifty cents (50c).

Jackson County, fees for probate and registration of chattel mortgage.

Application of Act.

SEC. 2. This Act shall apply only to Jackson County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1274 CHAPTER 1178

AN ACT RELATING TO THE DISTRIBUTION OF SESSION LAWS, HOUSE AND SENATE JOURNALS AND SUPREME COURT REPORTS.

The General Assembly of North Carolina do enact:

G. S. 147-45, amended as to distribution of copies of Session Laws, etc., to University of North Carolina.

SECTION 1. G. S. 147-45 is hereby amended by striking out the figure "59" in the column headed "Session Laws" and the figure "54" in the column headed "House and Senate Journals" and the figure "65" in the column headed "Supreme Court Reports" opposite the words "University of North Carolina at Chapel Hill" and inserting in lieu thereof the figure "65" in the column headed "Session Laws" and the figure "56" in the column headed "House and Senate Journals" and the figure "71" in the column headed "Supreme Court Reports".

Prior publications furnished to University.

SEC. 2. Six complete sets of the Session Laws, Public Laws, Public-Local and Private Laws, and two complete sets of the Senate and House Journals, and six complete sets of the Supreme Court Reports hereinbefore published in so far as the same are available and without necessitating reprinting, shall, within sixty days after the ratification of this Act, be furnished to the University of North Carolina at Chapel Hill.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1280 CHAPTER 1179

AN ACT TO AMEND G. S. 15-25, SO AS TO AUTHORIZE THE ISSUANCE OF SEARCH WARRANTS BY CLERKS OF COURTS INFERIOR TO THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 15-25, as amended, is hereby further amended by inserting after the word "town" and before the word "that" in line 4, the words "or the clerk of any court inferior to the Superior Court". G. S. 15-25, amended to authorize issuance of search warrants by clerks of courts inferior to Superior Court.

SEC. 2. G. S. 15-25, as amended, is hereby further amended by inserting after the word "situated" and the comma, and before the word "to" in line 26, the following: "and for the clerk of any court inferior to the Superior Court to grant a warrant, to be executed within the territorial jurisdiction of such court, all such warrants to be directed".

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1282 CHAPTER 1180

AN ACT RELATING TO THE COMPENSATION OF THE COTTON WEIGHER OF THE TOWN OF ENFIELD.

The General Assembly of North Carolina do enact:

SECTION 1. The Governing Body of the Town of Enfield is hereby authorized, in its discretion, to fix, and from time to time to increase, or decrease, the compensation of the Cotton Weigher of the Town of Enfield. The compensation fixed by said governing body shall not, under any circumstances, exceed the sum of twenty cents (20c) for each bale of cotton weighed and marked by said weigher, one-half of such sum in each instance to be paid by the buyer and one-half thereof to be paid by the seller of said bale of cotton. Town of Enfield, compensation of cotton weigher.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

H. B. 1290 CHAPTER 1181

AN ACT RELATING TO THE SALARY OF THE TREASURER OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Cabarrus County, salary of treasurer.

SECTION 1. The Board of County Commissioners of Cabarrus County is authorized and empowered to fix the salary of the treasurer of said county at any sum they consider proper, not in excess of three thousand dollars ($3,000.00) per year.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. B. 281 CHAPTER 1182

AN ACT TO PROVIDE MORE COMPLETE AND ADEQUATE INSURANCE FOR PUBLIC SCHOOL BUILDINGS AND OTHER SCHOOL PROPERTY, TO PROVIDE FOR STATE INSURANCE OF PUBLIC SCHOOL BUILDINGS AND OTHER SCHOOL PROPERTY, AUTHORIZING THE STATE BOARD OF EDUCATION TO PUT THE SAME IN OPERATION AND MAKING AN APPROPRIATION THEREFOR.

The General Assembly of North Carolina do enact:

Establishment of Division of Insurance of State Board of Education.

Appointment of director.

Fire insurance safety inspectors, etc.

Compensation of director and employees.

SECTION 1. The State Board of Education is hereby authorized, directed and empowered to establish a department to be known as "Division of Insurance of the State Board of Education" and shall appoint some person with suitable training and experience as the director thereof with such designation of his position as may be provided by the State Board of Education. The State Board of Education shall provide such fire insurance safety inspectors and engineers and other employees as shall be found necessary to carry out the provisions of this bill and fix the compensation of such director and employees with the approval of the personnel department, all of said employees to serve at the will of the State Board of Education.

"Public School Insurance Fund."

SEC. 2. There shall be set up in the books of the State Treasurer a fund to be known and designated as the "Public School Insurance Fund" which fund hereafter in this Act is referred to as "The Fund." In order to provide adequate reserves against losses which may be incurred on account of the risks insured

against as provided in this bill and to provide payment for such losses as may be incurred therein, there is hereby appropriated to "The Fund" the sum of two million dollars ($2,000,000.00), which shall be paid from and charged to the State Literary Fund as set up and defined under Subsection (a) of Section 15 of Article 1, Chapter 115, General Statutes. When the reserves in "The Fund" shall be increased by the payment of premiums by the governing boards of county and city administrative school units, or otherwise, to the extent of one million dollars ($1,000,000.00), there shall be transferred from "The Fund" back to the State Literary Fund the sum of one million dollars ($1,000,000.00), and when "The Fund" shall again be increased to the extent of another one million dollars ($1,000,000.00), there shall be transferred therefrom back to the State Literary Fund an additional sum of one million dollars ($1,000,000.00) in full reimbursement of the sum of two million dollars ($2,000,000.00), which is authorized to be transferred from the State Literary Fund by the provisions hereof. All funds paid over to the State Treasurer for premiums on insurance by the governing boards of county and city school administrative units and all money received from interest or from loans and deposits and from any other source connected with the insurance of the property hereinafter referred to shall be held by the State Treasurer in "The Fund" for the purpose of paying all fire, lightning, windstorm, hail and explosion losses for which the said fund shall be liable and the expenses necessary for the proper conduct of the insurance of said property as provided for in this Act. Such part of the money in "The Fund" as may not be needed for the payment of current demands thereon shall be invested by the State Treasurer in such securities as constitute permissible investments for State Sinking Funds, and all of the earnings thereon shall be paid into "The Fund." The State Treasurer shall annually report to the State Board of Education and to the General Assembly the status of "The Fund" and a detailed statement of the investments therein and earnings therefrom.

Appropriation to fund from State Literary Fund.

Transfer of sums back to Literary Fund upon establishment of reserve in School Insurance Fund.

Funds payable to Public School Insurance Fund.

Expenditures from fund.

Investment of surplus funds.

Report of State Treasurer as to status of fund, etc.

When the fund herein provided for reaches the sum of five per cent (5%) of the total insurance in force, then annually thereafter the State Board of Education shall proportionately decrease the premiums on insurance to an amount which will be sufficient to maintain "The Fund" at five per cent (5%) of the total insurance in force, and in the event in the judgment of the State Board of Education the income from the investments of "The Fund" are sufficient to maintain the same at five per cent (5%) of the total insurance in force, no premiums shall be charged for the ensuing year, *provided* that no building or property insured shall cease to pay premiums until five annual payments of premiums have been made whether or not through such payments the fund shall be increased beyond five per cent (5%) of the total insurance in force, unless such building or property

Decrease of premiums on insurance when fund reaches 5% of total insurance in force.

shall cease to be insurable within the meaning of this Act within such five year period.

Insurance of school property in the fund by school governing boards.

SEC. 3. From and after the first day of July, 1949, and before January 1, 1951, all county boards of education and all boards of trustees of city administrative units or other school governing boards may insure all school property within the unit against the direct loss or damage by fire, lightning, windstorm, hail or explosions resulting by reason of defects in equipment in public school buildings and other public school properties in "The Fund" hereinbefore set up and provided for. Any property covered by an insurance policy in effect on the date when the property of a unit is insured in "The Fund" shall be insured by "The Fund" as of the expiration of the policy. Each school governing board shall give notice of its election to insure in "The Fund" at least thirty days prior to such insurance becoming effective and shall furnish to the State Board of Education a full and complete list of all outstanding fire insurance policies, giving in complete detail the name of the insurers, the amount of the insurance and expirations thereof. While the said insurance policies remain in effect "The Fund" shall act as coinsurer of the properties covered by such insurance to the same extent and in the same manner as is provided for coinsurance under the provisions of the standard form of fire insurance as provided by law, and in the event of loss shall have the same rights and duties as required by participating insurance companies.

Notice of election to insure; information to be furnished.

Fund to act as co-insurer outstanding policies.

Inspection of insured public school properties.

SEC. 4. The State Board of Education shall provide for periodic inspections of all public school properties in the State of North Carolina insured under the provisions hereof, the said inspection to be made by persons trained in making inspections for safety of buildings and particularly school buildings, against the loss or damage from fire and explosions. The inspections shall be the basis for offering such engineering advice as may be thought necessary to safeguard the children in the public schools from death and injury from school fires or explosions and to protect said school properties from loss, and the local school authorities shall be required, so far as possible, and reasonable, to carry out and put into effect such recommendations in respect thereto as may be made by the State Board of Education.

Information to be furnished by school governing boards prior to insuring in the fund.

SEC. 5. Governing boards of city and county administrative units shall at least thirty days before insuring in "The Fund", furnish to the State Board of Education a complete and detailed list of all school buildings and contents thereof and other insurable school property, together with an estimate of the present value of the said property. Valuation for purposes of insuring in "The Fund" shall be reached by agreement in accordance with the procedure hereinafter set up in Section 7 for adjustment of losses. Each governing board of city and county administrative units and the tax levying authorities shall be required to provide for the payment of premiums for insurance on the school prop-

Payment of premiums for insurance.

erties of each unit, respectively, to the extent of not less than seventy-five per cent (75%) of the present value of the said properties, including the insurance in fire insurance companies and the insurance provided by "The Fund" as set out herein.

Determination of annual premium rate.

SEC. 6. The State Board of Education shall as soon as practical determine the annual premium rate to be charged for insurance of school properties as herein provided, which said rate shall not, however, be in excess of the rates fixed by law for insurance of such properties in effect on May 31st, 1948, and such rates shall be adjusted from time to time so as to provide insurance against damage or loss resulting from fires, lightning, windstorm, hail or explosions resulting from defects in equipment in public school buildings and properties for the local school units at the lowest cost possible in keeping with the payment of cost of administration of this Act and the creation of adequate reserves to pay losses which may be incurred. The State Board of Education shall furnish to each county and city administrative unit annually and, at such times as changes may require, a certificate showing the amount of insurance carried on each item of insurable property. The said insurance shall not lapse but shall remain in force until such property shall be abandoned for use as school property. From time to time the local school authorities shall be notified as to the amount of the premiums required to be paid for said insurance and the amounts thereof shall be provided for in the annual budget of such schools. The tax levying authorities shall provide by taxation or otherwise a sum sufficient to pay the required premiums thereon.

Adjustment of rates.

Certificate of State Board of Education to county and city units as to insurance carried.

Notice to local authorities as to premiums required.

Payment of premiums.

The local school authorities shall within thirty (30) days from notice thereof, pay to the State Board of Education the premiums on such insurance, and in the event that there are no funds on hand at such time with which to make said payment, the same shall be paid out of the first funds available to such school board. Delayed payments shall bear interest at the rate of six per cent (6%) per annum.

Adjustment of losses.

SEC. 7. In the event of loss or damage by fire, lightning, windstorm, hail, or explosions resulting from defects in equipment in public school buildings and properties for the local school units, "The Fund" shall pay the loss in the same proportion as the amount of insurance carried bore to the valuation of the property at the time it was insured, but not exceeding the amount which it would cost to repair or replace the property with material of like quality within a reasonable time after such loss, not in excess of the amount of insurance provided for said property, and not in excess of the amount of such loss which "The Fund" is required to pay in participation with fire insurance companies having policies of insurance in force on said properties at the time of the loss or damage, and "The Fund" shall not be liable for a greater proportion of any loss than the amount of insurance

thereon shall bear to the whole insurance covering the property against the peril involved.

Determination of amount of loss by appraisers upon disagreement between State Board and local officials.

In the event of loss or damage by fire, lightning, windstorm, hail, or explosions resulting from defects in equipment in public school buildings and properties for the local school units, to the property insured, when an agreement as to the extent of such loss or damage cannot be arrived at between the State Board of Education and the local officials having charge of the said property, the amount of such loss or damage shall be determined by three appraisers; one to be named by the State Board of Education; one by the local governing board having charge of the property, and the two so appointed shall select a third—all of whom shall be disinterested persons, and qualified from experience to appraise and value such property. The appraisers so named shall file their written report with the State Board of Education, and with the local governing board having such property in charge. The costs of the appraisal shall be paid by "The Fund". When approved by the State Board of Education, the amount of such loss or damage to school property in the control of the county administrative unit shall be paid to the county treasurer, and the amount of loss or damage to property of a city administrative unit shall be paid to the treasurer of said unit upon proper warrant of the State Board of Education. Said funds shall be paid out by the treasury of said units, as provided by G. S. 115 for the disbursement of the funds of such unit.

Written report of appraisers.

Payment of amount of loss or damage to treasurers of local units.

Disbursement of funds.

Appropriation for operating expenses for next biennium.

SEC. 8. There is hereby appropriated to "The Fund", to be expended by the State Board of Education for costs of operation under this Act for the period of the next biennium, the sum of fifty thousand dollars ($50,000.00), but such additional necessary cost of operation shall be paid from "The Fund" and thereafter all the costs of the operation of the said fund shall be provided from the premiums charged to the local school boards for insurance carried by "The Fund" and earnings of "The Fund" from investments thereof.

Maintenance of inspection and engineering service by State Board of Education.

SEC. 9. The State Board of Education is authorized and empowered to maintain an inspection and engineering service deemed by it appropriate and necessary to reduce the hazards of fire in public school buildings insured in "The Fund", as hereinbefore provided, and to expend for such purpose not in excess of ten per cent (10%) of the annual premiums collected from the local school authorities. The State Board of Education is hereby authorized and empowered to cancel any insurance on any school property when, in its opinion, because of dilapidation and depreciation such property is no longer insurable. Before cancellation, the local school board shall be given at least thirty (30) days notice, and in the event said property can be restored to insurable condition, the State Board of Education may make

Cancellation of insurance.

Notice of cancellation.

such orders with respect to the continuance of such coverage as may be deemed proper.

Rules and regulations for purposes of Act.

SEC. 10. The State Board of Education is hereby authorized and empowered to adopt all such rules and regulations providing for the details for insurance of public school properties in "The Fund" as in their opinion are necessary for effectuating the purposes of this Act.

Conflicting laws repealed.

SEC. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 308 CHAPTER 1183

AN ACT TO REGULATE CHARGES BANKS MAY MAKE FOR ISSUING CASHIERS' CHECKS AS A MEDIUM FOR THE TRANSMISSION OF FUNDS BY DEPUTY COLLECTORS OF REVENUE TO THE COMMISSIONER OF REVENUE.

The General Assembly of North Carolina do enact:

G. S. 147-69, deposits of State funds in banks, amended.

SECTION 1. Section 147-69 of the General Statutes, 1947 Cumulative Supplement, is hereby amended by changing the period following the word "commission" in line 19 to a semicolon and inserting immediately thereafter the following:

Charges of banks for issuance of cashier's check for transmission of funds by deputy collectors of revenue.

"*Provided*, that banks organized under the laws of the State of North Carolina may charge for each cashiers' check issued to deputy collectors of revenue as a means of transmitting to the Commissioner of Revenue the proceeds of collections of revenue, not over twenty cents (20c) for each check in the amount of not over one thousand dollars ($1,000.00), and for each check for an amount in excess of one thousand dollars ($1,000.00), such banks may charge not over twenty cents (20c) plus one-tenth of one per cent (.1%) of the amount of such check in excess of one thousand dollars ($1,000.00)."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 398 **CHAPTER 1184**

AN ACT TO CONTINUE THE INCORPORATION OF THE CITY OF RALEIGH TO REWRITE THE CHARTER OF THE CITY OF RALEIGH AND TO AMEND CERTAIN RELATED STATUTES AND CONSOLIDATE AND INCORPORATE SAME AS A PART OF SAID CHARTER, AND TO REPEAL CONFLICTING LAWS.

The General Assembly of North Carolina do enact:

Charter of the City of Raleigh.

SECTION 1. Short Title. This Act shall be known as and may be cited as "The Charter of the City of Raleigh."

Incorporation.

SEC. 2. Incorporation. The inhabitants of the City of Raleigh, within the corporate limits as now established or as hereafter established by statute or otherwise as provided by law, shall be and continue, as they have heretofore been, a municipal body politic and corporate, under the name of "The City of Raleigh," and under such name shall have perpetual succession.

Corporate limits.

SEC. 3. Corporate Limits. The corporate limits of the City of Raleigh shall be as defined and set forth in Chapter 59 of the Private Laws of North Carolina, 1913, Chapter 47, Private Laws of North Carolina, Extra Session of 1920, Chapter 121 of the Private Laws of North Carolina 1929, and Chapter 463 of the Public-Local Laws of North Carolina 1941, all of which statutes are hereby incorporated into this Act to the extent applicable to the definition and determination of the corporate boundaries of the City of Raleigh, the said corporate limits, as extended and fixed by Chapter 463 of Public-Local Laws of North Carolina 1941 and by an election held pursuant thereto, and as hereby prescribed, being specifically described as follows:

Beginning at the present southeast corner of the city limits, running thence northwardly along the present city limits line to its intersection with the southern boundary line of East Davie Street; thence running eastwardly along the southern boundary line of East Davie Street to its intersection with the eastern boundary line of Battery Drive; thence in a northwestwardly direction, along the eastern boundary line of Battery Drive to its intersection with the southern boundary line of East Martin Street (same being the corner in the present city limit boundaries); running thence along the present city limits line of Star and Waldrop Streets to its intersection with Sater Street; thence westwardly along the northern boundary of Sater Street to its intersection with the eastern boundary line of Fisher Street; thence northwardly along the eastern boundary of Fisher Street a distance of 400 feet; thence westwardly along a direct line parallel to Sater Street and Tarboro Road and 400 feet distance therefrom to its intersection with the present city limit line, situated in the campus of St. Augustine College; thence northwardly and westwardly along the present city limit line to its

City of Raleigh, corporate limits (cont'd).

intersection with the center line of Cemetery Branch; thence northwardly along the center line of Cemetery Branch to its intersection with the center line of the New Louisburg Road, State Highway Number 59; thence in a northwestwardly direction along a direct line to a point 300 feet East of the Wake Forest Road, United States Highway Number 1, in line with western extension of the center line of a road which intersects the Wake Forest Road United States Highway Number 1, at a point approximately 1100 feet South of Crabtree Creek; thence northwestwardly along the extension of the center line of the above named road 300 feet to its intersection with the center line of the Wake Forest Road, United States Highway Number 1; thence southwestwardly in a direct line to the northeast intersection of Whitaker Mill Road and the road formerly known as Whitaker Home Drive, the same being the southwest corner of the Wake County Home property; thence northwestwardly along the eastern boundary line of the road formerly known as Whitaker Home Drive to its intersection with the eastern boundary line of Pine Drive; thence northwestwardly along the eastern boundary line of Pine Drive to its intersection with eastern boundary line of Oxford Road; thence northeastwardly along the eastern boundary line of Oxford Road to its intersection with the northern boundary line of Crabtree Street; thence along the northern boundary line of Crabtree Street to its northern intersection with Whitaker Drive; thence westwardly in a direct line to a point in the northern boundary line of Lake Drive, said point being a point of intersection with the extension of the western boundary line of West Lake Drive; thence along the northern boundary line of Lake Drive to its intersection with the eastern boundary line of Lassiter Mill Road; thence westwardly in a direct line to the point of intersection of Beaver Dam Branch and the center of the dam at Country Club Lake; thence southwestwardly along the center line of Beaver Dam Branch to a point with its intersection of the West prong of Beaver Dam Branch; thence West and southwestwardly along the center line of the West prong of Beaver Dam Branch to its intersection with the West property line of Faircloth Street; thence northwardly along the western boundary line of Faircloth Street, to its intersection with an unnamed road adjacent to and running along the northern boundary line of the Meredith College property; thence westwardly along the southern boundary line of said road to a point, said point being the intersection of the southern boundary line of said road and a line being the northern extension of the center line of that tangent section of Meredith College spur track; thence southwardly and southeastwardly along the said extension line and the center line of the Meredith College spur track, to its intersection with the northern right of way line of the Seaboard Railroad; thence southeastwardly along the right of way line of the Seaboard Railroad to its intersection with the present city limit line; thence southwardly along the present city limit line to its intersection with

City of Raleigh, corporate limits (cont'd).

the southern right of way line of the Western Boulevard; thence in a direct line to the present southwest corner of the city limits, situated on the State Hospital property; thence eastwardly along the present southern city limit line to its intersection with the eastern boundary line of the Fayetteville Road; thence southwardly along the eastern property line of Fayetteville Road, to its intersection with the southern boundary line of Hoke Street; thence eastwardly along the southern boundary line of Hoke Street to its intersection with the eastern boundary line of Holleman Road (United States Highway Number 70); thence northwardly along the eastern boundary line of Holleman Road, United States Highway Number 70, to its intersection with the present city limits to Bragg Street; thence eastwardly along the present city limit line to the southeast corner of the present city limits, the same being the point of beginning; *provided*, that all territory which may be acquired by the City of Raleigh by purchase or donation or otherwise for park purposes, and the cemetery for the burial of deceased white persons known as "Oakwood Cemetery", and the cemetery for the burial of deceased colored persons (located southeast of the City of Raleigh), known as "Mount Hope Cemetery," and that tract of land conveyed to the city by D. M. Carter and wife by deed registered in Book 162 at page 162 in the office of the Register of Deeds of Wake County, and the tract of land conveyed to the city by Laura Carter by deed registered in Book 161 at page 406 in said Register of Deeds' office of Wake County, which tracts of land are owned by the city for the purposes of maintaining a garbage farm and as a site for the smallpox hospital, shall also be included in the corporate limits of the City of Raleigh; and all ordinances now in force or hereafter enacted by the city council of said city shall be applicable to the territory included in such parks and in said cemeteries and said tracts of land as fully as if the said territory was embraced within the limits of the City of Raleigh.

Form of government.

SEC. 4. Form of Government. The form of government for the City of Raleigh shall be known as the "Council-Manager Government" and shall be as set forth in Plan D of Part 4 of Article 22 of Chapter 160 of the General Statutes of North Carolina, as heretofore adopted by the electorate of the citizens of Raleigh, subject to the modifications set forth in this Act. All powers of the city shall be vested in an elective council, hereinafter referred to as the "City Council" or as the "Council"; *provided, however*, that nothing contained in this Act shall be construed to prevent the form of government of the City of Raleigh from being determined from time to time by a vote of the people of the City of Raleigh at an election as now or hereafter provided by law.

General rights and powers.

SEC. 5. General Rights and Powers. The City of Raleigh is hereby vested with all the property and rights of property which now belong to the said municipal corporation, and the City of Raleigh shall have all the powers granted to municipal corpora-

tions and to cities by the Constitution and by the general laws of the State of North Carolina and by this Act, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire real or personal property within or without its corporate limits for the government, welfare, benefit or improvement of the city and its citizens, in fee simple or any lesser interest or estate, by purchase, gift, devise, bequest, lease or condemnation, or otherwise, and may acquire, sell, lease, mortgage, hold, manage and control, such property, real or personal, as its interest may require and as shall be deemed advisable by the Governing Body of the City of Raleigh and as shall be in conformity with the provisions of this charter and the general laws of the State of North Carolina. The City of Raleigh shall have the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, and to plead and be impleaded. Except as prohibited by the Constitution and the general laws of the State of North Carolina or restricted by this charter and other statutes applicable to the City of Raleigh, the city shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every kind and nature whatsoever, as may be necessary, proper, or usually appertaining to municipal corporations. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City of Raleigh shall have and may exercise all powers which, under the Constitution and the laws of the State of North Carolina, it would be competent for this charter specificially to enumerate.

Enumeration of particular powers not deemed exclusive.

SEC. 6. Platting of Property. Should any property lying within the corporate limits as established by this Act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the city engineer a correct map of same; *provided*, that in no case shall the City of Raleigh be required to pay for any of said streets, at whatever date opened; but when opened by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the City of Raleigh for use as public highways, and shall be cared for as such.

Platting of property.

SEC. 7. Property and Property Rights Vested in City. All property, real, personal, and mixed, of whatsoever character or description, and wheresoever situate, now held, controlled, or used by the City of Raleigh for any purpose, or which may hereafter be held, controlled, or used by said city, or which may have been vested in said city by virtue of any law of the State of North Carolina, and any and all judgments, liens, rights of liens, and causes of action of any and all kinds in favor of the City of Raleigh, shall vest in and remain and inure to the City of Raleigh, its successors and assigns, under this Act.

Property and property rights vested in city.

Governing body.

SEC. 8. Governing Body. The government of the city and the general management and control of all of its affairs shall be vested in a city council, which shall be elected as hereinafter set forth and shall exercise its powers in conformity to the provisions of this Act and the provisions of the General Statutes and laws of the State of North Carolina with reference to the powers, rights and privileges of municipalities wherein no provision has been made in this Act with respect thereto; *provided, however,* that the city manager shall have the authority hereinafter specified.

Number and election of members of city council.

SEC. 9. Number and Election of Members of City Council. The city council shall consist of seven members, who shall be elected at large by and from the qualified voters of the city for a term of two years and until their successors are elected and qualified. The nomination and election of City Councilors of the City of Raleigh shall be conducted as hereinafter provided. Vacancies in the city council shall be filled by the council for the remainder of the unexpired term.

Power and organization of city council.

SEC. 10. Power and Organization of City Council. All the legislative powers of the city shall be vested in the city council. The city council elected as hereinafter provided shall meet at ten o'clock in the forenoon on the first day of July following their election, or in the event that the first day of July shall be a Sunday, then on the second day of July, and the members of the city council whose terms of office then begin shall severally make oath before the City Clerk, a Justice of the Peace, the Mayor of the City of Raleigh, or any Judge of the Superior Court of North Carolina or any Justice of the Supreme Court of North Carolina, to perform faithfully the duties of their respective offices. The city council shall thereupon be organized by the choice from its members of a mayôr, who shall hold his office during the term for which he was elected a member of the city council, and a mayor pro tempore, who shall hold his office during the pleasure of the city council. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of one or more of the members; *provided,* that at least four of the persons entitled to be members of the city council are present and make oath as aforesaid. Any member entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

Meetings of the city council.

SEC. 11. Meetings of the City Council. The city council shall fix a suitable time for its regular meetings. The mayor, the mayor pro tempore of the city council, or any two members thereof, may at any time call special meetings by causing a written notice, stating the time and place of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member of the city council or left at his usual dwelling place at least six hours before the time of

such meeting. Meetings of the city council may also be held at any time when all the members of the council are present and consent thereto. The city council shall have the power at any regular, special or adjourned meeting of the council to adjourn any such meeting to a specific date, hour and place set forth in the motion or resolution for adjournment, and without further notice such adjourned meeting may be reconvened and held, and all action taken and matters transacted at such adjourned meeting shall be valid as if taken and transacted at the original meeting.

Quorum and conduct of business.

SEC. 12. Quorum and Conduct of Business. A majority of the members of the city council shall constitute a quorum. Its meetings shall be public, and the mayor, who shall be the official head of the city, shall, if present, preside and shall have the same power as the other members of the council to vote upon all measures coming before it, but shall have no power to veto. In the absence of the mayor, the mayor pro tempore of the city council shall preside and in the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be ex officio clerk of the city council and shall keep accurate records or minutes of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the city council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of his duties and may act as clerk of the city council until a city clerk is chosen and qualified. The city council may elect an assistant clerk, who shall be sworn to the faithful discharge of his or her duties and may act as clerk of the city council in the absence of the city clerk. All final votes of the city council involving the expenditure of fifty dollars ($50.00) or over shall be by ayes and noes and shall be entered upon the record. Four affirmative votes, at least, shall be required for the passage of any motion, order, ordinance, resolution, or vote.

Ex-officio clerk of city council.

Assistant clerk.

Adoption of rules of procedure; meetings open to public.

SEC. 13. Adoption of Rules of Procedure; Meetings Open to Public. The city council may from time to time establish rules for its proceedings as may be deemed necessary and proper. All legislative sessions of the city council shall be open to the public, and the city council shall not by executive session or otherwise vote on any question in private session. A full and accurate journal of the proceedings shall be kept and shall be open to the inspection of any qualified registered voter of the city.

Ordinances.

SEC. 14. Ordinances. No ordinance shall be passed finally on the date on which it is introduced, unless by two-thirds vote of the members of the council present. No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed until voted on at two regular meetings of the city council, and no such grant, renewal or extension shall be made otherwise than by ordinance. No ordinance or part thereof shall be amended or annulled except by an ordinance adopted in accordance with law.

Effective date of ordinance; protest against passage.

SEC. 15. Effective Date of Ordinances; Protest against Passage. No ordinance passed by the city council, unless otherwise expressly provided by law, (except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the members of the city council), shall go into effect before twenty days from the time of its final passage and publication in all of the daily newspapers of general circulation then published in the City of Raleigh and qualified by law to accept and publish legal advertising. If during said twenty days a petition signed by qualified voters of the City of Raleigh equal in number to at least ten per centum (10%) of the registered voters at the last preceding regular municipal election protesting against the passage of such ordinance be presented to the city council, the operation of such ordinance shall thereupon be suspended, and it shall be the duty of the city council to consider such ordinance, and if the same is not entirely repealed, the city council shall request the Wake County Board of Elections to submit to the qualified voters of the City of Raleigh the question of the repeal of such ordinance at an election to be held for that purpose, in the manner and under the conditions hereinafter provided in the case of initiative and referendum.

Exceptions as to newspaper publication of code ordinances.

SEC. 16. Exceptions as to Newspaper Publication of Code Ordinances. Notwithstanding the provisions of the foregoing Section, ordinances establishing regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring, or any similar construction code, and other lengthy ordinances such as a zoning ordinance or a traffic code or a license tax ordinance or code, revised, rewritten and adopted as a code, need not be published in a newspaper as provided by Section 15 of this Act, *provided* that the ordinance adopting any such code or lengthy ordinance shall prescribe that the ordinance or code shall be published in printed or mimeographed form for distribution. In lieu of making publication of any such ordinance or code referred to in this Section in a daily newspaper published in the City of Raleigh, there shall be published in at least one daily newspaper of general circulation in the City of Raleigh a notice describing the ordinance or code in brief and general terms and stating that the ordinance or code is available for public inspection at the office of the city clerk and that such ordinance or code will take effect twenty days after such publication of the notice unless submitted to referendum, in which event it will not take effect unless approved as required by law.

Procedure in lieu of publication of ordinance or code.

Rule as to final effective date of ordinances.

SEC. 17. Rule as to Final Effective Date of Ordinances. Every ordinance, unless it shall specify another date subsequent to the twenty-day period following publication, shall become effective at the expiration of twenty days after such publication following final passage, as herein provided, or, if the ordinance be submitted at a referendum election, then upon a favorable vote of a

majority of those voting thereon except as otherwise expressly provided by this charter or by the general laws of the State.

Granting of franchises.

SEC. 18. Granting of Franchises. No franchise shall be granted by the City of Raleigh until the question has been submitted at a special or general election, to the qualified voters of the city, and until a majority of those voting upon the proposition have voted in favor of granting such franchise; *provided*, that in all elections upon the granting of franchises the person, persons, or corporation applying for same shall deposit with the city treasurer a sum which, in the opinion of the city council, will be sufficient to defray the expenses of such election; *provided further*, that no franchise shall be granted for a longer time than fifty years from the date of the granting of such franchise. Every grant of any franchise or right, as hereinbefore provided, shall make provision, by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant; and when the grant of any franchise or right is made, the city shall not part with the power to expressly reserve the right and duty at all times to exercise, in the interest of the public, full superintendence, regulation, and control, in respect to all matters connected with the police powers of said city; and before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions that may be right and proper, including a provision for fixing a rate, fares, and charges to be made if the grant provide for the charging of a rate, fares, and charges; *provided*, that his Act shall not affect any rights, privileges, and franchises heretofore legally granted by the city to any person, firm, or corporation; and *provided further*, that any and all rights, privileges, and franchises that have been heretofore or that may be hereafter granted to or held by any person, firm, or corporation in the streets, alleys, sidewalks, public grounds or places in said city shall, except when such imposition by the city is prohibited by any statute now or hereafter in effect, be subject to a tax by said city in such amount as the city council may think to be just, separate from and in addition to the other assets of such person, firm, or corporation, and in addition to a license tax; and the city council may require the rendition and assessment thereof accordingly.

Submission of question to electorate.

Limitation upon duration of franchise.

Compelling compliance with terms of grant of franchise.

Powers reserved.

Grant of franchise embodied in form of ordinance.

Existing franchises unaffected.

Taxation by city.

Election of mayor.

SEC. 19. Election of Mayor. The mayor shall be elected by the city council from its own members, and he shall hold office during the term for which he has been elected to the council. In case of a vacancy in the office of mayor, the remaining members of the council shall choose from their own number his successor for the unexpired term.

Salaries of mayor and council.

SEC. 20. Salaries of Mayor and Council. The mayor shall receive for his services such salary as the city council shall by ordinance determine, not exceeding seven hundred dollars ($700.00) a year, and he shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected. The council may, by a vote of not less than four members, taken by call of the ayes and noes, establish a salary for its members not exceeding two hundred dollars ($200.00) a year for each member. Such salary may be reduced, but no increase therein shall be made to take effect during the fiscal year in which the increase is voted. The salaries of the mayor and of the members of the city council shall be payable in four quarterly installments, each in the sum of one-fourth of the annual salary determined by the city council.

General municipal powers.

SEC. 21. General Municipal Powers. The city council shall continue under existing laws to have power to make and provide for the execution of such ordinances for the city as the city council may deem proper not inconsistent with the laws of the land, and the City of Raleigh shall have all the powers granted to municipalities by the general laws of the State of North Carolina as the same may now or hereafter be enacted.

Express powers enumerated.

SEC. 22. Expressed Powers Enumerated. In addition to the powers now or hereafter granted to municipalities under the general laws of the State of North Carolina, the City of Raleigh shall have the following expressed powers hereby granted to it:

Payment of legal indebtedness.

(1) To provide for the payment of any existing legal indebtedness of the City of Raleigh and of any binding legal obligation that may from time to time be made by the city, and to appropriate funds for that purpose.

Adopt ordinances, etc., for general welfare.

(2) To make and adopt and provide for the execution thereof of such ordinances, resolutions, motions, rules and regulations as the city council may consider necessary or expedient for maintaining and promoting peace, health, comfort, convenience, good order, better government and general welfare of the inhabitants of the city as are not inconsistent with this Act and the Constitution and the laws of the State of North Carolina.

Adopt ordinances, etc., for proper government; prescribe punishment for violations.

(3) To make, adopt, and pass such ordinances, resolutions, motions, rules and regulations consistent with the laws of the land and necessary or expedient for the proper government of the city, with full power and authority to provide for the execution of the same by imposition, as punishment for the violation thereof, of fines and imprisonment and by the imposition of penalties and forfeitures; *provided, however,* that the fine or imprisonment prescribed for the punishment of a violation of an ordinance shall not exceed a fine of one hundred dollars ($100.00) or imprisonment on the roads not exceeding sixty days, or both, in the discretion of the court; *provided further,* that the penalty prescribed for the violation of an ordinance shall not exceed a

Limitation on punishment for violations.

fine or forfeiture of two hundred dollars ($200.00), which last penalty shall be civil in its nature, to be recovered in a civil action before the City Court of Raleigh.

Regulate speed of trains, buses and other vehicles, etc.

(4) To regulate, not inconsistent with the Public Laws of the State of North Carolina, the speed of railroads, locomotives, trains, electric cars, buses, automobiles, bicycles, the driving or riding of horses or mules, and the speed of all other vehicles on the streets of the city, and to regulate their stops at street crossings and intersections; to require railroad companies to keep the streets through or across which they operate their trains, locomotives or cars in repair (at points of crossings only) and to light the streets over or across which their trains, locomotives or cars are operated (at points of crossing only) whenever deemed necessary or expedient by the city council; to require all railroad companies operating within or through the City of Raleigh to maintain gates or watchmen at street crossings when deemed necessary or expedient by the city council, unless such railroad company has installed proper and duly approved automatic warning devices at such crossings.

Regulation of railroad operations.

Regulate use of motor vehicles; issue permits and licenses; etc.

(5) To regulate the use of automobiles, motor cars, taxicabs, motor buses, motorcycles and any other motor vehicles operated within the corporate limits of the City of Raleigh; to issue permits for the use of such vehicles and to require the same to be numbered and to issue city license plates and to charge therefor an amount not to exceed that permitted under the general laws of the State of North Carolina as the same may now or hereafter exist; to regulate the charges for the transportation of persons, baggage and/or freight for hire, with full power to license or prevent the operation of vehicles for hire not conforming to the regulations and ordinances adopted by the city council.

Direct and control construction of railroad tracks, etc.

(6) To direct, regulate, control and/or prohibit the laying and construction of railroad tracks, turnouts and switches in the streets, avenues and alleys of the city, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in good repair; and to require that all railroad tracks, turnouts and switches shall be so constructed as not to interfere with the drainage of the city; and to require any railroad company operating within the City of Raleigh to construct and keep in repair, at the railroad company's own expense, such bridges, underpasses, turnouts, culverts, sewers, crossings and other things as the city council may deem necessary, and as may be reasonable.

Tax and license franchises, businesses, trades, etc.

(7) To tax and license all franchises, privileges, businesses, trades, service establishments, professions, callings and/or occupations conducted and carried on within the corporate limits of the City of Raleigh, not inconsistent with the general laws of

North Carolina; to make, adopt and provide for the execution of such ordinances, rules and regulations as considered expedient and proper by the city council for the proper exercise of the powers granted in this paragraph; to impose an annual franchise, license or privilege tax on all businesses, trades, service establishments, professions, callings, occupations and enterprises conducted for profit within the corporate limits of the city upon which a franchise, license or privilege tax is not prohibited by statute; power and authority being hereby specifically granted to the city council to graduate any of the franchise, license or privilege taxes authorized by this charter, by dividing trades, businesses, professions, callings, service establishments, occupations and other enterprises into classes according to size, patronage, income, gross receipts or otherwise and by imposing such taxes accordingly; *provided, however,* that said taxes shall be uniform for all in a particular class; *provided further,* that if any person, firm or corporation shall commence to exercise any privilege or to promote any business, trade, profession, calling, service, occupation or other enterprise or to do any act requiring a city license under this Act and under any ordinance adopted pursuant to this Act or any other statute without such city license, or if any person, firm or corporation shall continue the business, trade, profession, calling service, occupation or other enterprise or to do any act for which a license is required, after the expiration of a license previously issued, without obtaining a new license, he or it shall be guilty of a misdemeanor and shall be fined and/or imprisoned in the discretion of the court, but the fine shall not be less than twenty per cent (20%) of the franchise, license or privilege tax in addition to the franchise, license or privilege tax and the court costs, and if such failure, neglect or refusal to apply for and obtain such city franchise or license be continued, such person, firm or corporation shall pay an additional tax of five per centum (5%) of the amount of such city franchise, license or privilege tax which was due and payable, in addition to the city franchise, license or privilege tax imposed by any ordinance adopted pursuant to this Act or pursuant to any other statute, for each and every thirty days that such city franchise, license or privilege tax remains unpaid from the date that same was due and payable, and such additional tax shall be assessed by the Tax Collector of the City of Raleigh and paid with the city franchise, license or privilege tax and shall become a part thereof; *provided, further,* that the license year shall begin on the first day of June of each and every year.

Operation of business, etc., without license made misdemeanor.

Penalty for continued violation.

Levy and collect taxes.

(8) To assess, levy and collect such taxes as are authorized by law.

Appropriate moneys.

(9) To appropriate the moneys and funds of the city for all lawful purposes.

Regulate public quasi-public utilities.

(10) To regulate and supervise, by ordinance, the operation of all public utilities or quasi-public utilities which operate or do business within the City of Raleigh to the end that all citizens of Raleigh shall receive from said public utilities or quasi-public utilities equal treatment, and also to the end that said citizens shall have good service, just and reasonable rates from any and all such utilities, and to grant or refuse franchises or privileges to such utilities; *provided, however*, that such ordinances regulating and supervising such utilities shall not be in contravention of the public laws of the State of North Carolina applicable to such utilities as same are now or may hereafter be enacted; and *provided, further*, that nothing in this Section shall supersede or conflict with the powers and duties of the North Carolina Utilities Commission, under any statute now or hereafter in effect, to regulate such utilities, and their service and rates, within or without the City of Raleigh.

Terminate franchises for cause.

(11) To declare forfeited and to terminate franchises granted to persons, firms or corporations for street railway, electric light, telephone, telegraph, gas, power or other public utiilty or quasi-public utility purposes, whenever the conditions upon which any such franchise or franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered or forfeited.

Regulate use of streets by vehicles for hire.

(12) To make all suitable and proper regulations in regard to the use of the streets of the city for street cars, buses or other vehicles for hire and to regulate the speed and operation of street cars, buses and other vehicles for hire so as to prevent injury or inconvenience to the public, and from time to time prescribe reasonable fares for the transportation of intra-city passengers.

Construct, purchase, etc., public utilities.

(13) To construct, purchase, lease or otherwise acquire and to own, conduct and operate public utilities.

Construct and maintain streets, sidewalks, alleys, etc.

(14) To establish, construct and keep in repair streets, sidewalks, alleys, curbs, bridges, culverts, drains and conduits in the city, to regulate the construction and use of the same, and to provide for the punishment of any person, firm or corporation obstructing the same or encroaching thereon.

Open new streets, close streets, etc.

(15) To open new streets, change, widen, extend and/or close any street that is now open or is dedicated and proposed to be opened or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares and parks, and other public property belonging to the city as the city council may deem best for the public welfare of the citizens of the city; and to purchase any land that may be necessary for the closing of any such street or alley.

Regulate use of public property.

Prohibit vagrancy, etc.

(16) To prohibit vagrancy and street begging, impose punishment or penalties on such persons who habitually refuse to follow some usual trade or profession without adequate means of support, whether male or female, above the age of eighteen years.

Provide proper observance of Sunday.

(17) To provide by ordinance for the proper observance of Sunday and for maintenance of order in the vicinity of churches and schools within the city and to provide for the preservation of peace, order and tranquility in the city.

Establish and regulate parks.

(18) To acquire, lay out, establish, and regulate parks within or without the corporate limits of the city for the use of the inhabitants of the same.

Condemn land for public buildings.

(19) To condemn any land that may be required for the purpose of erecting any building or buildings, for city hall, market houses, fire companies, and for any other public buildings, whether like those enumerated above or not; *provided,* that the procedure in such condemnation proceedings shall be the same as is herein provided for the condemnation of lands for streets.

Erect and repair public buildings.

(20) To erect, repair, and alter any and all public buildings.

Accept money or property for public use.

(21) To accept any money or property for the purpose of any public or corporate use.

Regulate and prohibit running at large of animals and fowls.

(22) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowls of whatsoever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of the city council, and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the city.

Control plumbers and plumbing work.

(23) To regulate and control plumbers and plumbing work and to enforce efficiency in the same.

Regulate and prohibit storage of explosives and other dangerous materials.

(24) To regulate, control, and prohibit the keeping and management of houses or any building for the storage of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas.

License, regulate, etc., use and sale of dynamite and fireworks.

(25) To license, tax, regulate, control, restrict, and prohibit the use and explosion of dynamite, firecrackers, or other explosive or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy persons or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity or otherwise.

Regulate market places.

(26) To make such rules and regulations as to butchers as they may deem necessary and proper, to establish and erect market

houses, and designate, control, and regulate market places and privileges.

(27) To prohibit and punish the abuse of animals. Prohibit abuse of animals.

(28) To establish and maintain cemeteries, and to regulate the burial of the dead. Maintain cemeteries.

(29) To prohibit prize fighting, cock fighting and dog fighting. Prohibit prize fighting, etc.

(30) To license, tax, regulate, restrict, and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen and shows of any kind, and the exhibition of natural or artificial curiosities, caravans, menageries, musical, and hypnotic exhibitions and performances. License, regulate theatres, carnivals, etc.

(31) To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated, disabled, or injured in such service, and receive donations and bequests in aid of such fund, and provide for its permanence and increase, and to prescribe and regulate the conditions under which, and the extent to which, the same shall be used for the purpose of such relief. Create and administer special fund for relief of members of police and fire departments.

(32) To pass ordinances for the condemnation of property for the purpose of widening, altering, changing, or extending any of the streets of the city and for opening new streets, and for the construction and maintenance of drains, sewers, and combination drains and sewers, and for any other public purpose provided for in this Act. Condemnation of property for changing streets, constructing drains, etc.

(33) To define nuisances and prevent and abate the same, whether on public or private property. Define and abate nuisances.

(34) To provide for the lighting of the streets, public grounds and public buildings and for furnishing lights to the citizens of said city by contract or otherwise, and to erect, own and operate plants, machinery, fixtures, appliances of every nature whatever necessary for the carrying out of said purposes. Provide for lighting of streets, public buildings, etc.

(35) To regulate, license or prohibit the business of slaughtering animals in the city limits; to revoke such licenses for malconduct in business, to provide for the regulation and maintenance of a standard of the quality of meats sold in the city and to impose penalties for the violation thereof, and to provide for the inspection of all slaughtering houses, inside or outside the corporate limits, whose products are sold within the corporate limits, and to charge a reasonable inspection fee for such services; to own, lease or operate abattoirs or slaughter houses. Regulate business of slaughtering animals. Inspection of slaughter houses.

(36) To provide for the regulation, diversion and limitation of pedestrians and vehicular traffic upon public streets, highways, sidewalks and public grounds of the city and to regulate and limit vehicular parking on streets, highways and public Regulation of pedestrian and vehicular traffic.

grounds within the corporate limits; *provided, however*, that in the regulation and limitation of vehicular traffic and parking within the corporate limits the city council may, in its discretion, enact ordinances providing for a system of parking meters designed to promote traffic regulation and requiring a reasonable deposit (not in excess of five cents (5c) per hour) from those who park vehicles for stipulated periods of time in certain areas in which the congestion of vehicular traffic is such that the public convenience and safety demand such regulations, as determined by the city council in its discretion; and *provided, further*, that the proceeds derived from the use of such parking meters shall be used exclusively for the purpose of making such regulations effective and for the expenses incurred by the city in the regulation and limitation of vehicular parking, and traffic related to such parking, on the streets and highways of the city.

Parking meters.

Use of proceeds from meters.

Regulate parking of vehicles upon public streets, etc.

(37) To limit, control, prohibit or otherwise regulate the parking of automobiles, trucks and other vehicles upon and along the streets, alleys, and other public places within the corporate limits.

Operate municipal parking lots.

(38) To own, establish, regulate, operate and control municipal parking lots for parking of motor vehicles within the corporate limits of the city, and, in the discretion of the city council, to make and collect charges for the use of such parking lots.

Regulate emission of smoke.

(39) To make, adopt and enforce ordinances for the regulation of the emission of smoke within the city, including in any such ordinance appropriate regulations as may be deemed proper and expedient by the city council for the purpose of reducing air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases, or other substances, the emission of which may be found by the city council to be detrimental to the health and welfare of the residents of the city; to adopt as a standard to determine the density of smoke the "Ringlemann Chart" as published by the United States Bureau of Mines; and to provide that any violation of any such ordinance shall constitute a misdemeanor and be punishable as such.

Appropriation for advertising city or promoting public interest and general welfare.

(40) To appropriate annually, in the discretion of the city council, not exceeding twenty-five hundred dollars ($2500.00) to any association in the city organized for the purpose of advertising the city or promoting the public interest and general welfare of the city; *provided, however*, that any such appropriation, which is hereby declared to be for a public purpose, shall be from funds of the city derived from sources other than ad valorem taxation.

Location of hospitals.

(41) To fix the location of hospitals in which contagious, infectious or other communicable diseases are to be treated.

Regulate business dangerous to health and general welfare.

(42) To regulate and prohibit the carrying on of any business or activity which may be dangerous or detrimental to the

health, safety and general welfare of the inhabitants of the city.

Maintenance of fire department stations and facilities.

(43) To establish and own stations and other property for a fire department and to provide everything necessary for the regulation and maintenance of such department, including training facilities and all other equipment deemed necessary.

Establish fire limits, etc.

(44) To establish fire limits, and prohibit the erection, building, placing, repairing or maintaining of wooden buildings within said limits; to prohibit the removal of any wooden building from one place to another within said limits and to require all buildings within said limits to be constructed with fireproof material; also to declare all dilapidated wooden buildings deemed dangerous on account of fire, nuisances, and require the same to be removed.

Building regulations.

(45) To provide for an inspection of the construction of all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate the erection and location of all poles, whether telegraph, telephone, electric light or otherwise, in the city; to require, in the discretion of the city council, that all wires, pipes and conduits be placed underground, where the public necessity and safety require, and to regulate the same.

Regulate erection and location of telegraph poles, etc.

Building inspections.

(46) To enter in and upon all buildings within the city, through proper officials, to inspect and discover whether the same are dangerous to either life or health on account of defects or their dilapidated condition and to cause all defects or unsafe conditions to be repaired or remedied, and all filth or trash in or around the same to be removed, or to condemn as unsafe and dangerous to life any such dilapidated or defective building, and if the owner of any such building which has been so condemned as unsafe and dangerous, after having been notified by the City Building Inspector in writing of the unsafe and dangerous character of said building, shall permit the same to stand or continue in that condition, he shall forfeit and pay a fine to be fixed by ordinance of not less than ten dollars ($10.00) or more than fifty dollars ($50.00) for each day said condition continues after such notice, and if the owner or owners of said building cannot be located or found, then the City of Raleigh, through appropriate officials, is authorized to enter upon said premises and remedy such unsafe and dangerous condition or demolish said building, if necessary, and to charge reasonable costs for making any such repair or of demolishing against the owner or owners of said premises and the same shall be and remain a lien against the said premises until such reasonable costs are paid in full, and the lien herein provided may be collected or foreclosed as now provided by law for the collection of unpaid taxes, and the City of Raleigh shall not be liable in any

Condemnation of defective buildings.

Penalty for continuation of unsafe conditions.

Assessment of cost of correction against owners.

manner for carrying out the terms and provisions of this Section.

Prevent dangerous construction of boilers, furnaces, etc.

(47) To prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stovepipes, boilers, furnaces and other heating apparatus, and cause the same to be made safe or removed.

Regulate exits of buildings used for public gatherings.

(48) To regulate the size, number and manner of construction of doors and stairways of theatres, tenement houses, audience rooms, public halls and all buildings used for the gathering of the public, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exit in case of fires or other casualties, and to require that such exits shall be appropriately marked.

Establish incinerators and crematories.

(49) To establish one or more incinerators and crematories and to provide for the removal of all filth, carcasses of dead animals, and other unhealthful substances by cremation, or otherwise, and to require the owners and occupations of all premises to keep them in a cleanly condition.

Requirements as to private drains, sinks, etc.

(50) To require the owners of private drains, sinks and privies, to fill up, cleanse, drain, repair, fix, and improve the same, as they may be ordered by ordinance, and impose penalties upon persons failing to do the same; *provided,* that if there be no person in the city upon whom such order can be served, the city may have such work done, and costs of the same shall be a lien on the premises and shall be collected in the same manner as taxes are collected, and to cause all drains, toilets, sinks and all other water or sewerage facilities to be connected with the city systems.

Requirements as to vacant or improved premises.

(51) To require the owner or owners of vacant or improved premises to keep same free from trash, obnoxious weeds or undue growth, and in the event such owner or owners shall, after due notice given by the city, fail to remedy such existing condition, then the city shall cause the same to be remedied and charge the reasonable cost thereof to such owner or owners, and such reasonable cost shall constitute a lien upon such premises and be collected in the same manner as taxes upon real estate.

Purchase of insurance for protection of interest and liabilities of city.

(52) To purchase any and all forms and kinds of insurance deemed necessary or expedient by the city council for the protection of the interests and liabilities of the city, and to accept surety bonds in proper form and amount as required or authorized by law, and to pay the lawful premiums thereon; and such insurance policies and contracts and such bonds may be furnished and executed by either stock or mutual companies duly authorized to do an insurance or surety business in the State of North Carolina, determined from time to time by the city council.

Regulate storing and transporting of inflammable liquids or materials.

(53) To regulate the keeping, storing and transporting of highly inflammable liquids or materials and explosives so that the life, limb or property of its inhabitants may not be endangered.

Requirements as to shows, expositions, etc.

(54) To require any shows or expositions to keep the buildings or grounds upon which they are showing in such a condition so that the same shall not constitute a fire or health menace and to prevent the showing of obscene or licentious performances, and to prevent any undue sounds or noises connected therewith, and to prescribe penalties for the violation of any ordinances exercising the powers herein given.

Operate and maintain hospitals, armories, markets, etc.

(55) To own, operate or maintain hospitals, auditoriums, armories, markets, airports and such other facilities for the benefit and welfare of its citizens.

Maintain public toilets.

(56) To operate and maintain public toilets within said city for the use and convenience of the public.

Requirements as to drainage facilities of property owners.

(57) To require that all property owners provide adequate drainage facilities to the end that their premises and adjoining lands be free from standing water and permit the natural flow of water thereon to be taken care of, and to provide that in case of failure on the part of such owner or owners to so provide the same, to go upon their premises and construct the necessary facilities and to charge the reasonable cost thereof against the premises so improved, such reasonable cost to constitute a lien upon such premises and be collected as in the case of taxes.

Regulation of utility installations.

(58) To require in all instances where it is reasonable and practical for such persons, firms or corporations to do so, that all persons, firms or corporations having franchises or permits to use the sidewalks, alleys or streets of the City of Raleigh for the maintenance and laying of pipes, poles, wires or conduits, or for other purposes, which necessitate excavation in said sidewalks, alleys or streets, shall lay or place the same, or shall do such work as may be authorized under such franchise or permit, before the beginning of any improvement by said city of such sidewalks, alleys or streets, and to prohibit the laying or construction of same, after such improvements have been completed, unless such person, firm or corporation shall agree, either to restore, at its expense, that portion of said improvement, disturbed by such laying or construction, to the condition in which it existed at the time such laying or construction was commenced, or to bear the cost of such restoration; and to require such persons, firms or corporations owning or using any such pipes, mains, or conduits whatsoever, or underground electric or other wires or conduits or other facilities in or under such sidewalks, alleys or streets so being paved, improved or about to be paved or improved, to make forthwith, in so far as it is reasonable and practical for such persons, firms or corporations to do so, all lateral connections in said sidewalks, alleys or streets at

Restoration of streets, etc., damaged by excavations.

least to the edges thereof; and to require such persons, firms or corporations to complete the laying and placing of such mains, pipes, wires or other conduits, or facilities and to complete the making of such lateral connections, in or under such streets, sidewalks, or alleys by a designated date so that the progress of paving or the improving of such streets, sidewalks or alleys will not be delayed or interfered with by the work of such persons, firms or corporations; and to compel compliance with such requirements by such persons, firms or corporations.

Regulate pool and billiard rooms and dance halls.

(59) To license, prohibit and regulate pool rooms, billiard rooms and dance halls, and in the interest of public morals provide for the revocation of such licenses.

Regulate electricians and electrical work.

(60) To regulate and control electricians and electrical work and to enforce efficiency in the same by examination of such electricians and inspection of such electrical work.

Sell, lease hold, etc., real and personal property.

(61) To sell, lease, hold, manage and control real property and personal property of all kinds and to make all rules and regulations by ordinance or resolution which may be required or deemed expedient by the city council to carry out fully the provisions of any conveyance, deed, will or other legal instrument in relation to any gift or bequest or the provisions of any lease by which the city may acquire property; *provided*, that in lieu of foreclosure of any lien on real estate for delinquent taxes and/or special assessments for improvements, the city shall have the right and power to accept a conveyance by deed or quitclaim deed from the property owners in consideration of the outstanding taxes and/or assessments and interest and penalties then due to the city on the particular property, together with any court costs accrued in connection with any foreclosure proceeding previously commenced, and to accept such conveyance subject to taxes, penalties, interest and costs due and payable to Wake County on any such real estate; and the city shall have the right and power to procure and accept a quitclaim deed from the former owners of real estate purchased by the city from any commissioner or commissioners in proceedings for the foreclosure of liens for taxes and/or assessments.

Regulate erection of fences, billboards, etc.

(62) To regulate the erection of fences, billboards, signs and other structures and provide for the removal or repair of insecure billboards, signs and other structures.

Regulate driveways from private property.

(63) To limit, restrict, regulate, control and, except as hereinafter provided, to prohibit the establishment, construction, maintenance and repair of all driveways sought to be opened and/or already opened leading from any private property into any street or highway in the city; *provided*, that in the exercise of this power, the city council shall permit, under reasonable rules and regulations established by ordinance, at least one driveway permitting ingress and egress into and from at least one adjacent street, but the city council shall have power to limit

the number and width of such driveways and to prescribe reasonable regulations relating to the opening, closing, construction, maintenance and repair of all driveways leading across adjacent sidewalks and the right of way of adjacent streets; and the city council shall have power to close driveways from property into the public streets according to reasonable rules and regulations prescribed by ordinance where there is more than one driveway leading from any property into one or more adjacent public streets and to require a reduction in the width of any existing driveway at the points where the driveway enters and crosses the sidewalk and street right of way; and the city council may require written permit to be procured from the city and a reasonable charge to be paid therefor before any driveway may be opened into any street.

Control, grade, pave and repair streets and sidewalks.

(64) To control, grade, macadamize, cleanse, pave and repair the streets and sidewalks of the city and make such improvements thereon as the city council may deem best for the public good; and to regulate and control digging in said streets and sidewalks or placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above or below the surface thereof; and regulate and control the use thereof by persons, animals and vehicles; to prevent, abate and remove obstructions, encroachments, pollution or litter thereon.

Operation of systems of waterworks and sewerage.

(65) To acquire, provide, construct, establish, maintain and operate a system of waterworks and a system of sewerage for the city and the citizens thereof, and to protect, control, and regulate the same by such adequate rules and regulations as may be deemed appropriate and expedient by the city council; and to extend the systems of waterworks and/or sewerage beyond the corporate limits; and to enter into written contracts with persons, firms, and corporations, when authorized by the city council by ordinance or otherwise, permitting any such person, firm or corporation to connect private water and/or sewer lines with the water and/or sewer systems of the city upon such terms and conditions as prescribed by the city council by ordinance or otherwise; and the city council shall have the power to prescribe rates of charges for and as a condition to making any lateral connection with any sewer mains lying outside the corporate limits of the city connecting with or emptying into the mains of the city sewerage system, and to prescribe rates of charges for water and/or sewer service, and to prescribe inspection fees for inspecting connections in addition to the other charges; and the city council is authorized to fix a different schedule of rates of charges for connections, for sewer and/or water service, and for inspections to be charged consumers outside the corporate limits which may be higher than the charges applicable to residents of the city. Before any person, firm or corporation shall connect in any manner any privately owned water or sewer line or lines or system with any water or sewer line or lines of the City of Raleigh, such person, firm or corporation shall, by proper

Contracts for connection of private lines to systems of city.

Rates of charges for connections.

Inspection fees.

Charges for consumers outside corporate limits.

Conveyance of connecting line to system of city.

written instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant and convey such water or sewer line or lines or system to the City of Raleigh; no such connection shall be made with the city water or sewer line or lines without the express approval of the city, nor shall such connection be effected except by the forces or employees of the city, properly supervised, for which a charge may be made; and should any person, firm or corporation connect any privately owned water or sewer line or lines or system with any city water or sewer line or lines without first dedicating; giving, granting and conveying same to the city the act of connecting such water or sewer line or lines to the water or sewer line or lines of the city shall be deemed a dedication, gift, grant and conveyance of such water or sewer line or lines to the City of Raleigh; *provided, however,* that the privately owned water or sewer line or lines or systems referred to in this sentence shall mean and include only main distribution lines laid in streets, roads, highways, and alleys or across private property, and shall not include lateral lines leading from mains to building connections, and shall not include the water or sewer lines within any residence or other privately owned building.

Connection installed by city employees only.

Unauthorized connection deemed a dedication to city system.

Extension of application of health, sanitary and protective ordinances.

SEC. 23. Extension of Application of Health, Sanitary, and Protective Ordinances. All ordinances, rules, and regulations of the City of Raleigh now in force, or that may hereafter be adopted by the city council in the exercise of the police powers given to it for sanitary and health purposes, or for the protection of the property of the city, unless otherwise provided by the city council, shall, in addition to applying to the territory within the city limits, apply with equal force to the territory outside of said city limits, within one mile in all directions of same, and to the right of way of all sewer, water, and electric light lines of the city, without the corporate limits, and to the rights of way, without the city limits, or any street railway company, or extension thereof, operating under a franchise granted by the city, and upon all property and rights of way of the city outside the said corporate limits and the above mentioned territorial limits, wheresoever the same may be located.

Initiative and referendum.

Petition for recall.

SEC. 24. Initiative and Referendum. Any proposed ordinance may be submitted to the city council by petition signed by qualified voters or electors of the city equal to the number provided herein for recall of any official. The signatures, verifications, authentications, inspections, certifications, amendments, and submission of such petition shall be the same as provided for petition for the removal of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of electors and contains a request that the said ordinance be passed or submitted to a vote of the people, if not passed by the city council, such city council shall either—

(a) Pass such ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition, or

Adoption of proposed ordinance.

(b) After the clerk shall attach to the petition accompanying such ordinance, his certificate of sufficiency, the city council shall forthwith request the Wake County Board of Elections to submit the question to the qualified voters at a special election called for that purpose, or to a general election occurring within ninety days after the date of the clerk's certificate. If the petition is signed by not less than ten per cent (10%) and less than twenty-five per cent (25%) of the electors, as above defined, then the city council shall within twenty days pass said ordinance without change, or request the Wake County Board of Elections to submit the same at the next general city election. The ballots used when voting upon said ordinance shall contain these words, "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance). If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this Section; but there shall not be more than one special election in any period of six months for such purpose. The city council may request the Wake County Board of Elections to submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should any such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the city at any election, the city shall cause such ordinance or proposition to be published once in at least one of the daily newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on. The Wake County Board of Elections shall comply with all requests made by the city council as authorized and required by this Act.

Submission to voters at special or general election.

Form of ballot.

Results of election.

Limitation on number of elections.

Election on amendment or repeal of ordinance.

SEC. 25. Appointment of City Manager. The city council shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the city council, and shall receive such compensation as the city council shall fix by ordinance.

Appointment of city manager.

Powers and duties of manager.

SEC. 26. Power and Duties of Manager. The city manager shall (1) be the administrative head of the city government; (2) see that within the city laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, keep the council fully advised of the city's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the city, except as herein otherwise provided.

Appointment and removal of officers.

SEC. 27. Appointment and Removal of Officers. Except as to such officers and members of commissions, boards, and committees which the city council is authorized by this Act to appoint, all city officers and employees as the council shall determine are necessary for the proper administration of the city shall be appointed by the city manager, and any such officer or employee (subject to the foregoing exceptions) may be removed by him; but the city manager shall report every such appointment and removal to the council at the next meeting thereof following any such appointment or removal.

Control of officers and employees.

SEC. 28. Control of Officers and Employees. The officers and employees of the city subject to appointment by the city manager shall perform such duties as may be required of them by the city manager, under general regulations of the city council.

City council appointments.

SEC. 29. City Council Appointments. The city council shall appoint and employ and may discharge and remove, the City Clerk, the City Treasurer, the City Clerk and Treasurer (when the duties of City Clerk and City Treasurer are combined and conferred and imposed upon one officer), the City Attorney, the Prosecuting Attorney of the City Court of Raleigh, the Substitute Judge of the City Court of Raleigh, the Clerk of the City Court of Raleigh, and the auditor or such public accountants as may be deemed proper for the auditing of the accounts of the city; and the city council shall likewise appoint the members of the Raleigh City Administrative School Unit and such other board, commission, or committee members as the Governing Body of the City of Raleigh is authorized or permitted by law or ordinance to appoint; *provided*, that the officers named in this Section, when appointed by the city council and qualified, shall hold office and serve at the pleasure of the city council.

Council not to interfere in appointments or removals.

SEC. 30. Council Not to Interfere in Appointments or Removals. Neither the city council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its mem-

bers shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

Salaries.

SEC. 31. Salaries. Every officer, agent, employee, and assistant of the city government, (except the mayor and members of the city council whose salaries are otherwise provided for) shall receive such salary or compensation as the city council shall by budget appropriation or other appropriate action provide, payable in equal semi-monthly installments, unless the city council shall order payments to be made at other intervals.

Bonds required of officials and employees of city.

SEC. 32. Bonds Required of Officials and Employees of the City. Every official, employee or agent of the city who handles or has custody of more than one hundred dollars ($100.00) of the funds of the city at any time shall, before assuming his duties as such, and thereafter annually on or before the first day of the fiscal year of the city, be required to furnish the city a good and sufficient bond in an amount determined by the city council to be sufficient to protect the city, payable to the City of Raleigh and conditioned upon the faithful performance of his duties and a true accounting for all funds of the city which may come into his hands, custody or control during the particular fiscal year, which bond shall be approved by the city council and deposited with the city clerk, *provided, however,* that such bond of any employee or employees may, in the discretion of the city council and authorized by resolution, be conditioned only upon a true accounting for funds of the city. The city shall pay the premiums for such bonds. The bond required by this Section may be a bond executed by the particular official, employee, or agent, as principal, and by the surety or sureties required and approved by the city council, or the bond may be a schedule bond executed by a surety company, insurance company or other company authorized to execute such bonds and authorized to do a surety business in the State of North Carolina, without the necessity of the signature of the particular officials, employees or agents constituting the principals of such bond, which bond shall list the names of the officials, employees and agents covered as principals by the bond and their respective positions with the City of Raleigh, or the said bond may be a schedule position bond or blanket position bond which lists the particular positions of employment and offices whose encumbents are covered by said bond; and when any authorized company shall execute, as surety, any such schedule bond, listing, by name or position, the officials, employees and agents of the city covered by the bond, it shall be conclusively presumed that the bond was executed and furnished by the particular officials, employees, and agents of the city, respectively specified therein, by name or position, and each such official, employee and agent required to furnish bond and each surety executing any such bond is hereby charged with notice

Condition of bonds.

Payment of premiums.

Designation of acceptable bonds.

of this Section of this Act, which shall be a party of the obligation of every such bond. The city council shall not accept any continuing bond or renewal bond but shall require a new bond for the period of each fiscal year of the city, and such bond shall be and shall be known as "Official Bond of Public Official", and the six-year statute of limitations shall apply as to actions for recovery under any such bond.

Continuing or renewal bonds not acceptable.

Regulation of private transactions between city and its officials and employees.

SEC. 33. Regulation of Private Transactions between City and Its Officials and Employees. No member of the City Council, official, or employee of the City of Raleigh shall be financially interested, or have any personal beneficial interest, either directly or indirectly, as agent, representative, or otherwise, in the purchase of, or contract for, or in furnishing any materials, equipment or supplies to the City of Raleigh, nor shall any official or employee of the City of Raleigh accept or receive, or agree to accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract may be awarded or from whom any materials, equipment or supplies may be purchased by the City of Raleigh, by rebate, gift, or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation, for recommending or procuring the use of any such materials, equipment or supplies by the City of Raleigh; no member of the city council, official, or employee of the City of Raleigh shall for his own personal benefit operate, directly or indirectly, any concession in any building or on any lands of the City of Raleigh, nor shall any official or employee of the City of Raleigh bid for or be awarded any contract granting concessionary rights of any nature or kind from the City of Raleigh; it shall be unlawful for any member of the City Council, official, or employee of the City of Raleigh to bid for or to purchase or to contract to purchase from the City of Raleigh any real estate, equipment, materials, or supplies of any nature or kind whatsoever, either directly or indirectly, at either public or private sale, either singly or through or jointly with any other person. Any member of the city council, official, or employee of the City of Raleigh who shall violate any provision of this Section shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided by statute in such cases. If the city council shall find that any official or employee has violated any provision of this Section, such official or employee may be forthwith discharged by the city council or by the city manager from the service of the City of Raleigh.

Violations of provisions of section made misdemeanor.

Discharge of official or employee for violations.

Nomination of candidates.

SEC. 34. Nomination of Candidates. All candidates to be voted for at all general municipal elections of the City of Raleigh, at which time the members of the city council as provided for by this Act, the Judge of the City Court of Raleigh, or any other elective officer of the city are to be elected under the provisions of this Act, shall be nominated by a primary election, and no other name shall be placed upon the general ballot except those

Primary election.

nominated in such primary in the manner hereinafter prescribed; *provided, however,* that the fourteen candidates for city councilor receiving the largest number of votes in the primary election shall be the nominees whose names shall be placed upon the ballot for city councilors at the next succeeding general municipal election, and the seven candidates receiving the largest number of votes in said general municipal election shall be declared to be the duly elected city councilors; *provided further,* that in the event fourteen or a less number of candidates should file for the office of city councilor, the county board of elections may, at the expiration of the time for filing, declare said candidates to be the only nominees for city councilors to be voted upon at the general municipal election, and shall declare that no primary election shall be held as to city councilors. The primary election for such nomination shall be held on the second Monday preceding the date prescribed for the general municipal election. The judges and other officers of election appointed for the general municipal election, shall, whenever practicable, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls shall be opened and closed at the same hours, as are required for said general municipal election. Any person desiring to become a candidate for nomination by the primary for the office of city councilor, or Judge of the City Court of Raleigh, or any other elective office of the city, shall, at least ten days prior to said primary election, file with the county board of elections a statement of such candidacy, in substantially the following form:

Date of primary election.

Election officials.

Conduct of primary election.

Statement of candidacy.

STATE OF NORTH CAROLINA—COUNTY OF WAKE.

Form of statement.

I, (.....), being first duly sworn, say that I reside at ..... Street, City of Raleigh, County of Wake, State of North Carolina; that I am a candidate for nomination to the office of ....., to be voted upon at the primary election to be held on the ..... Monday of ..... 19....., and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

(Signed) .....

Subscribed and sworn to (or affirmed) before me by

.....on this.....day of

....., 19.....

(Signed) .....

And each such persons desiring to become a candidate for nomination shall at the same time pay to said county board of elections, to be turned over to the Treasurer of the City of Raleigh, a filing fee in an amount equal to one per cent (1%) of the annual salary of the office sought. Immediately upon the expiration

Filing fee.

Publication of names of candidates.

of the time for filing the petitions of candidates, the county board of elections shall cause to be published for three successive days in all daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots; and the said county board of elections shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of the signature of its chairman. Upon the said ballot the names of the candidates for the office of city councilor shall first be placed, with a square at the left of each name and immediately below the words, "Vote for seven." Following these names shall appear the names of candidates for each other elective office provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed "Candidates for nomination for the office of City Councilor and other offices (naming them) of City of Raleigh, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Printing of ballots.

Form of ballot.

FORM OF BALLOT

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions).

Official Primary Ballot, Candidates for the office of City Councilor and other offices (naming them), of City of Raleigh, North Carolina, at the Primary Election.

For City Councilor (names of candidates), (vote for seven).
For Judge of the City Court of Raleigh (names of candidates), (vote for one).

Official ballot—Attest: (Signature).....

Chairman County Board of Elections.

Delivery of ballots to polls.

Having caused said ballot to be printed, the said county board of elections shall cause to be delivered at each polling place such number of said ballots as may be necessary. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the City of Raleigh under such rules as may be prescribed by the election laws of the State of North Carolina, and such challenge shall be passed upon by the judges of election and registrars; *provided, however,* that the law applicable to challenges at a general municipal election shall be applicable to challenge made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the county board of elections, upon blanks to be furnished by the said county board of elections, within six hours of the closing of the polls. On the day following the said primary election, the county board of elections shall canvass

Qualification of voters for primary election.

Challenges.

Tabulation of votes.

such returns so received from all the polling precincts and shall make and publish in all daily newspapers of said city, at least once, the result thereof. Said canvass by the county board of elections shall be publicly made, at the city hall. The fourteen candidates receiving the highest number of votes for the office of city councilor, the two candidates receiving the highest number of votes for Judge of the City Court of Raleigh, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for the office of city councilor, Judge of the City Court of Raleigh, and other elective officers at the next succeeding general municipal election. *Provided, however,* that if any candidate shall receive a majority of the votes for any elective office in the primary election he shall be deemed to be the sole nominee. In case only one candidate should file for the office of Judge of the City Court of Raleigh or other single office to be voted on, the county board of elections may, at the expiration of the time for filing as herein provided, declare said candidates to be the only nominees to be voted upon at the general election, and shall declare that no primary election shall be held as to such office.

Canvas of returns.

Publication of results.

Candidates receiving highest votes declared nominees for general municipal election.

Certification of nominee when only one candidate.

SEC. 35. Elections. All primary elections, general elections and special elections in the city shall be held and conducted and supervised by the Wake County Board of Elections, and the returns thereof canvassed and the results thereof declared as provided in this Act, and in the general law of the State of North Carolina regulating municipal elections, as contained in Section 160-29 through 160-51 of the General Statutes of North Carolina.

Elections.

SEC. 36. Municipal Election. There shall, on Tuesday after the first Monday in May, 1949 and every two years thereafter, be elected seven city councilors, who together shall constitute the City Council of the City of Raleigh; and there shall also, at the same time, be elected such other elective officers as may be provided by law. There shall also be elected, on the said Tuesday after the first Monday in May, 1949, and every four years thereafter, at the time of the regular municipal election for the City of Raleigh, a Judge of the City Court of Raleigh, who shall be elected for a term of four years.

Municipal election.

SEC. 37. Ballots. The county board of elections shall cause ballots to be printed for the municipal election as herein provided, authenticated with a facsimile signature of its chairman. Upon the said ballots the names of the said candidates for city councilor shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for seven." Following these names, shall appear the names of the candidates for Judge of the City Court of Raleigh, with a square at the left of each name, and immediately below the words, "Vote for one"; and likewise, shall appear the names of the candidates for such other elective offices as may be provided by law. The ballots

Ballots.

shall be printed upon plain, substantial white paper, and shall be headed "Candidates for Election for City Councilor, for Judge of the City Court of the City of Raleigh, North Carolina, at the General Municipal Election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Form of ballot.

FORM OF BALLOT

(Place a cross in the square preceding the names of the Parties you favor for the respective positions.)

Official Municipal Ballot, Candidates for the office of City Councilor and Judge of the City Court of the City of Raleigh, North Carolina, at the Municipal Election.

For City Councilor (names of candidates), (vote for seven).
For Judge of City Court (names of Candidates), (vote for one).

Official ballot—Attest: (Signature)_____

Chairman County Board of Elections.

Qualified voters.

SEC. 38. Qualified Voters. All person entitled to vote for members of the General Assembly, if held at the time of the election provided for in the preceding Section, and who have been residents of the city and precinct in which they offer to vote for four months next preceding the day of elections, and shall have registered as provided herein, shall be allowed to vote for city councilors, judge of the city court, and other elective officers; and no one except a resident of the city shall be eligible to any elective office in the corporation.

Testing qualifications of voters.

SEC. 39. Testing Qualifications of Voters. The provisions made, or hereafter made, by the General Assembly, which may be in force at the time of any city election, for testing the qualification and right of any person to vote shall apply, as far as possible, to any election held under this charter, and the registrar and judges of election are hereby invested with full and ample judicial power to pass upon and decide said qualifications.

Precincts.

SEC. 40. Precincts. The county board of elections shall divide the city into such number of precincts as the board may in its discretion deem necessary for the convenience of the voters of the city; and the said board shall fix the boundaries of the said precincts, and provide in each precinct a polling place as conveniently located in the precinct as possible. If any registered voter shall remove from one precinct to another within the four months next preceding any election, he shall be entitled to vote in the said election in the precinct from which he shall have moved.

Appointment of election officials.

SEC. 41. Appointment of Election Officers. The county board of elections shall, as by law provided, appoint a registrar and two judges of election for each precinct in the city, all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the courthouse door and notice to be served upon such appointees, and shall give ten days' notice of a registration of voters for the said election at the courthouse door, specifying the time, place, and name of registrars for said election.

Registration.

SEC. 42. Registration. Each registrar shall be furnished by said county board of elections with registration books, and it shall be his duty, after being qualified, to perform the functions of his office fairly, impartially, and according to law; to revise the existing registration books of the precinct for which he is appointed in such manner that said books shall show an accurate list of electors previously registered in such precinct and still residing therein, and entitled to vote without requiring such electors to be registered anew; and such registrars shall also, during the period prescribed for such registration, between the hours of 9:00 o'clock A. M. and sunset (Sunday excepted) keep open the books for the registration of any electors residing in such city and entitled to registration, whose names do not appear in the revised list, and he shall register in said books all names of persons not so registered who may apply for registration and who are entitled to vote in said city. Each registrar shall be required to be at the polling place for his precinct on Saturdays from 9:00 A. M. until sunset during the period of registration. He shall keep the names of white voters separate and apart from those of the colored voters, and any person offering to register may be required to take and subscribe on oath that he has resided in the State of North Carolina one year, and in the precinct in which he offers to register four months previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city. If any person wilfully swear falsely in taking such oath, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars ($100.00) and imprisoned sixty days in the county jail. But the county board of elections, on fifteen days notice by publication in some newspaper of said city before the opening of the books, may order an entirely new registration of voters whenever they may deem it proper. The registration books shall be closed at sundown on the second Saturday before the primary election, and after the same are closed no person shall be allowed to register, except those coming of age after the books close and before or on election day, who are otherwise qualified electors of the city.

Registration requirements.

Giving of false oath made misdemeanor.

New registration.

Closing of registration books.

Conduct of election.

SEC. 43. Conduct of Election. After being duly sworn to conduct the election fairly, impartially and according to law, the registrars and the judges of election shall open the polls, receive the ballots in the boxes provided for that purpose, administer

oaths, decide all challenges on the day of election, and all questions of voting, superintend and conduct the election for municipal offices in like manner and during the same hours as elections for members of the General Assembly are conducted. The polls shall be open on the day of election from 6:30 A. M. until 6:30 P. M. and no longer.

Compensation of election officers.

SEC. 44. Compensation of Election Officers. The registrars and judges of the election shall receive for their services such compensation as shall be fixed by the county board of elections, but the pay of the registrars shall not exceed five dollars ($5.00) each day for the Saturdays they are required to be at the polls and the day of the election, and the judges of election shall not be paid more than five dollars ($5.00) each per day for their services; *provided,* the county board of elections may allow the registrars and judges compensation, not exceeding one day's pay, as they may deem proper, for attendance of the election officers upon the meeting of the board of canvassers.

Vacancy in office of judge or registrar.

SEC. 45. Vacancy in office of Judge or Registrar. If any judge or registrar shall fail to be present on the day of election, his place shall be filled by the county board of elections at once, and if at any time the registrar is temporarily unable to act as such, the county board of elections may appoint a temporary registrar to act for him after being duly sworn, or if a vacancy should occur in said office, for any reason, then the county board of elections shall appoint to fill the vacancy.

Canvassing board; duties.

SEC. 46. Canvassing Board: Duties. On the day following the day of election, the county board of elections and the registrars of the several precincts shall meet at the city hall and shall constitute the canvassing board for the said election. Said canvassing board shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the returns of the registrars and judges, and the seven candidates receiving the highest number of votes for the office of city councilor shall be declared elected city councilors, and such person as shall receive the highest number of votes for judge of the city court shall be declared elected judge of the city court, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of the said board, one of which shall be retained by the county board of elections and the other filed in the archives of the city clerk, who the same day shall publish the result of the election at the door of the city hall. Registration and poll books shall be placed in the custody of the city clerk by the county board of elections.

Tabulation of votes.

Certification of election results.

Copies of returns.

Publication of results.

Custody of registration and poll books.

Procedure in event of tie vote.

If there shall be an equal number of votes between two or more candidates who shall be in the position of having received the seventh highest number of votes for the office of city councilor, or if, of the persons voted for as Judge of the City Court of Raleigh or any other single elective office, there shall be an equal number of votes between any two or more candidates for like office in the municipal election in the City of Raleigh, the board of canvassers shall determine which shall be elected by lot.

City council to fill vacancies.

SEC. 47. City Council to Fill Vacancies. If any person elected as a city councilor, judge of the city court, or any other elective officer, shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if any such elective officer be unable to discharge the duties of his office, the city council shall choose some person for the unexpired term, or during his disability, as the case may be, and he shall be clothed with all the authority and powers given under this charter to such regular officer; but such officer or officers so elected shall be subject to recall as other officers.

Special elections.

SEC. 48. Special Elections. The city council shall have power, by appropriate resolution, to require the county board of elections to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided by law. All special elections shall be held and conducted by the county board of elections, and the result canvassed and determined as provided by the laws of the State of North Carolina governing special municipal elections.

Challenge of voters.

SEC. 49. Challenge of Voters. Any registered voter of the said city may at any time, before the election or on the day of election, object to the name of any person appearing upon the registration book of his precinct, and the book shall be kept open at the polling place each Saturday during the registration period before every election for inspection by the voters of the precinct. When a person is challenged the registrar shall enter upon his books, opposite the name of the person objected to, the word "Challenged," and the persons so challenged shall not be allowed to vote until the cause of the challenge shall be heard and determined under the rules and regulations prescribed by the general laws regulating the election for members of the General Assembly. As soon as any person is challenged, the registrar shall give notice in person or by mail of the same to the person so challenged. All challenges shall be heard and determined on the day of election by the registrars and judge.

Removal from city creates vacancy.

SEC. 50. Removal from City Creates Vacancy. In the case of the removal of residence of any elective officer from the territorial limits of said city, such removal shall ipso facto, create a vacancy in his office.

Bribery prohibited.

SEC. 51. To Prohibit Bribery. Any person giving or receiving, or any person promising to give or receive any money, property, or thing of value to secure the vote or influence of any person in any primary or general election, and any person promising to give or secure, or promising to use his influence to secure, any place or position under the City Government of Raleigh, in consideration of any influence or effort or vote on behalf of any candidate or candidates for office under the City Government of Raleigh, shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court; and any person, a candidate for office, who shall be guilty of the offense above described shall upon conviction be ineligible to hold any office under the Government of the City of Raleigh.

Violations made misdemeanor.

Candidates to file sworn itemized statement of expenses.

SEC. 52. Candidates to File Sworn Itemized Statement of Expenses. Every candidate in the city election, a city primary, or both, shall, within ten days after the election or primary, file with the county board of elections an itemized statement, under oath, showing all expenditure of money or other thing of value made by him, or by any one for him to his knowledge, in connection with or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provisions of this Section shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

Recall of officials by the people.

SEC. 53. Recall of Officials by the People. The holder of any elective office, except Judge of the City Court of Raleigh, may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number of at least twenty-five per centum (25%) of the entire number of voters casting votes at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement of the grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statement therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The

Procedure.

Petition for election of successor.

Signatures to petition.

Examination to ascertain sufficiency of petition.

Petition may be amended if insufficient.

clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the Wake County Board of Elections without delay. If the petition shall be found to be sufficient the Wake County Board of Elections shall order and fix a date for holding a primary, as provided for in cases preceding regular municipal elections, the said primary to be held not less than ten days nor more than forty days from the date of the clerk's certificate to the Wake County Board of Elections that a sufficient petition is filed. If in the primary election any candidate receives a majority of all the votes cast, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary, and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates named shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions, and regulations as are prescribed for the primaries preceding a regular municipal election in the City of Raleigh. The Wake County Board of Elections shall make, or cause to be made, publication for ten days of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the results thereof declared in all respects as other city elections in the City of Raleigh. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant, and in that event the unexpired term shall be filled by election of the city council, but the officer or councilor removed shall not be eligible to election by the city council, and the person so elected by the city council shall be subject to recall as other officers and councilors. If the incumbent receives a majority of votes in the primary or the election he shall continue in office. The said method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled and any person is elected as his successor, the right of recall of such successor so elected shall be as in case of officer originally elected. The expense of calling and conducting any such election shall be paid by the City of Raleigh.

Submission of petition to County Board of Elections.

Date for primary election.

Results of election.

Conduct of election.

Term of office of successor.

Candidacy of person sought to be removed.

Office deemed vacant upon failure of party elected to qualify.

Vacancy filled by city council.

Incumbent continued in office if majority vote received.

Method of removal cumulative and additional.

Powers and duties of mayor.

SEC. 54. Powers and Duties of Mayor. The mayor shall preside at all meetings of the city council and shall be recognized as the chief representative of the city; he shall keep himself informed concerning the financial and other affairs of the city government and he shall, from time to time, present to the city council information about the affairs of the city and recommend for consideration such measures as he deems best for the city; he shall, from time to time, by issuing statements and reports and by making addresses by radio and otherwise, report to the citizens of the City of Raleigh concerning the condition of the city affairs; the mayor shall be and serve as a member of all boards, commissions and committees as required by any statute or as required by action of the city council; the mayor shall sign all contracts on behalf of the city unless otherwise provided by law or by ordinance or resolution of the city council; and the mayor shall do such other things and perform such other duties as shall be required of him by statute or by action of the city council. The mayor shall have authority to administer oaths. In the absence or incapacity of the mayor, all his duties, powers and obligations shall be vested in the mayor pro tempore.

Appointment of city clerk, city treasurer and city attorney.

SEC. 55. Appointment of City Clerk, City Treasurer, and City Attorney. At the first meeting of city council after their election, or as soon thereafter as practicable, the city council shall appoint the following officers, who shall each serve at the pleasure of the city council and at a compensation to be fixed by the council, and who may be required to furnish bond in such amount and with such surety as ordered by the city council, in accordance with the provisions of this Act relating to the bonds of public officials, and whose duties shall be as prescribed by this Act and by the general laws of North Carolina: A city clerk and a city treasurer, or in lieu thereof, a city clerk and treasurer; and a city attorney.

Duties of city clerk.

SEC. 56. Duties of City Clerk. The city clerk shall act as clerk of the city council and it shall be his duty to attend each meeting of the city council and to keep the minutes and records of all the proceedings of the city council in well bound books provided for that purpose, and to preserve all books, papers and writings of all kinds submitted to his care during his continuance in office, and deliver them to his successor; the city clerk shall be custodian of all written claims and demands made upon the city arising out of tort actions; he shall keep the records with respect to all compensation claims and payments made to employees of the City of Raleigh under and pursuant to the Workmen's Compensation Act of North Carolina; the city clerk shall be the custodian of all signed petitions with reference to public improvements, condemnation proceedings and all contracts made and entered into by the city and of all notices and affidavits of publishers with reference to publication of ordinances, budgets, or other legal advertisements required to be made by the city; the city clerk shall be the custodian of the offi-

cial corporate seal of the City of Raleigh and shall attest and affix said official seal to all documents or instruments of the city required to be so attested and sealed; he shall be custodian of all bonds required by ordinance, contract or by law to be executed and deposited with the city; he shall be the custodian of all deeds or conveyances of all types made to the city, and it shall be his duty to file all deeds with the Register of Deeds of Wake County for the purpose of being recorded in the Registry of Wake County; and the city clerk shall account and pay over all moneys which may come into his hands by virtue of his office; and the city clerk shall perform such other duties as may be required by law or by the city council.

Duties of city treasurer.

SEC. 57. Duties of City Treasurer. The duties and obligations of the city treasurer shall be as follows:

Custodian of funds of city; records.

(1) The city treasurer shall be the custodian of all funds of the City of Raleigh and shall cause to be kept a proper record showing the source from which said funds are derived and shall disburse the same in accordance with due authority given by the city council, or otherwise by law.

Require daily deposits of departments of city.

(2) He shall see and require that all departments of the City of Raleigh which receive funds for said city make or cause to be made daily deposits of same to credit of the City of Raleigh in a depository approved and designated by the city council, and he shall require that duplicate deposit slips be presented to him by the official or officials having responsibility for making such deposits upon the same day upon which the deposit is made.

Execution of checks.

(3) He shall sign all checks issued for disbursement of funds of the City of Raleigh which are by this charter or otherwise required to be deposited to the credit of said city and require that due authority be given for the execution of such checks and only after the same have been duly audited.

Execution of notes, bonds, etc.

(4) He shall execute all notes, bonds or other evidences of indebtedness for the City of Raleigh where the same are required by private or public law to be executed by the city treasurer.

Depository bonds.

(5) He shall see that all depositories designated by the city council post depository bonds, keep the same in force and on file with the city clerk, or in lieu thereof place sufficient and proper collateral as may be allowed by law or action of the city council; and he is specifically charged with the duties imposed by Section 159-28 of the General Statutes of North Carolina.

Assist in preparation of budget for city.

(6) He shall assist the city manager and the city accountant in the preparation of the budget for the City of Raleigh and shall advise with them and with the city council upon the finances and issuance of bonds and other obligations of the city.

Pass upon sufficiency of surety of bonds.

(7) He shall pass upon the sufficiency of the surety of all bonds required to be deposited with the City of Raleigh by contract, ordinances or otherwise.

Duties required by ordinance or law.

(8) He shall attend to all duties as may be required of him by ordinances or laws heretofore or hereafter enacted.

Other duties.

(9) He shall attend to such other duties as may be required of him by the city council.

City clerk and treasurer; powers and duties.

SEC. 58. City Clerk and Treasurer; Powers and Duties. The city council shall have power and authority to provide that the city clerk shall have the powers and perform the duties of city treasurer, such powers and duties to be prescribed from time to time by the governing body, and to be in addition to all powers and duties as may be prescribed by law; and in such event, the city clerk shall be known as the "City Clerk and Treasurer." The power and authority in this Section conferred upon the city council shall be exercised by ordinance duly adopted by the city council, in the event the city council shall determine to exercise such power and authority, which ordinance shall provide that the person or persons appointed from time to time to be City Clerk of the City of Raleigh shall have the powers and perform the duties of city treasurer, as such powers and duties may be prescribed from time to time by the city council or by law, and that any person so appointed shall be known as City Clerk and Treasurer of the City of Raleigh; *provided,* that in such event all powers conferred upon the city clerk or upon the city treasurer and all duties imposed upon the city clerk or the city treasurer by this Act or by any other law or by action of the city council shall be powers conferred upon and duties imposed upon the City Clerk and Treasurer of the City of Raleigh.

Duties of city attorney.

SEC. 59. Duties of the City Attorney. It shall be the duty of the city attorney to prosecute and to defend all suits at law or in equity in which the City of Raleigh may become the plaintiff or defendant in any such suit; to render advisory opinions to the mayor, the city council, the city manager, and the heads of the various departments of the city, *provided,* that such request for advice be made in writing and signed by the person requesting said advice; and it shall be his duty, when required to do so, to attend the meetings of the city council and to prepare such deeds, contracts, bonds and other legal papers as may be required for the city's business, and to perform such other services of a legal nature as required by the city council. The city council may also appoint an associate city attorney whose compensation shall be fixed by the council and who shall serve at the pleasure of the council; it shall be the duty of the associate city attorney to assist the city attorney as required by the city attorney or by the city council. It shall be the duty of the city attorney and the associate city attorney to institute and handle all civil actions and proceedings required for the foreclosure of liens against real estate on account of delinquent taxes and/or assessments for special improvements, when requested to take such action by the city tax collector or by the city council. The city council shall

Associate city attorney; duties.

have power and authority to employ additional counsel in special cases when considered expedient by a majority of the city council.

Departments.

SEC. 60. Departments. There shall be and there are hereby created the following departments of the City of Raleigh:

Finance.

(1) Department of Finance, which shall be headed by the city accountant, who shall also have the title of director of finance.

Public Safety.

(2) Department of Public Safety, which shall be headed by the director of public safety.

Public Works.

(3) Department of Public Works, which shall be headed by the director of public works.

Planning.

(4) Department of Planning, which shall be headed by the director of planning.

Public Utilities.

(5) Department of Public Utilities, which shall be headed by the director of public utilities.

Parks and Recreation.

(6) Department of Parks and Recreation, which shall be headed by the director of parks and recreation.

Health, etc.

(7) Health Department and such other departments as may be created from time to time by ordinance adopted by the city council. Each of the departments and the department heads shall be under the supervision of and directly responsible to the city manager. Department or division heads need not be resident of the city when appointed, except as herein specifically otherwise provided.

Divisions of Department of Finance.

SEC. 62. Department of Finance. The Department of Finance shall consist of the following divisions: (a) Accounting division; (b) Collections division; (c) Purchases and contracts division.

Director of Finance; City Accountant; appointment; bond.

SEC. 62. Director of Finance; City Accountant; Appointment; Bond. It shall be the duty of the city council on or before the first day of June, 1949, and biennially thereafter before the first day of June in each odd year, to appoint, upon the advice and recommendation of the city manager, some person of honesty and ability whose experience, training and qualifications have been approved by the Local Government Commission of the State of North Carolina, as City Accountant of the City of Raleigh, who shall also be known as the director of finance, and he shall hold such office or position at the will of the city council or until such approval has been revoked by the Local Government Commission, or until the appointment of his successor. The city accountant shall furnish bond annually in such amount as required by the city council, which bond shall be approved both by the city council and by the Local Government Commission, and shall be conditioned for the faithful performance of his duties imposed by law as city accountant and director of finance.

Director of Finance (City Accountant), powers and duties.

SEC. 63. Director of Finance (City Accountant); Powers and Duties. The director of finance (city accountant) shall have general charge of the administration of the financial affairs of the city and to that end he shall have the powers and the duties hereinafter set forth and such as may now or hereafter be prescribed by law:

Accountant for city.

(1) He shall act as accountant for the city and its various departments in settling with all city officers, and shall be head of the accounting division.

Compile current expense estimates for budget.

(2) He shall compile the current expense estimates for the budget for the city manager.

Capital estimates.

(3) He shall compile the capital estimates for the budget for the city manager.

Disbursement of moneys, etc.

(4) He shall supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded.

Maintain accounting system, etc.

(5) He shall maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient.

Record of receipts and disbursements.

(6) He shall keep a record of the date, source and amount of each item of receipt, and the date, payee or contractor, the specific purpose and the amount of the disbursement made.

Records required of officers and departments.

(7) He shall require officers and departments receiving or disbursing money of the city, or its subdivisions, to keep a record of the date, source and amount of each item of receipts, and the date, the payee or contractor, the specific purpose and the amount of the disbursement made, and shall require the officer or department to keep a copy of such contract.

Examine books, accounts, etc.

(8) He shall examine or test check once a month, and at such other times as the city council may direct, all books, accounts, receipts, vouchers and other records of all city officers and employees and department of the city administration receiving or expending public money.

Reports required of officers collecting moneys for public purposes.

(9) He shall require all officers and employees of the city, whose duty it is to collect fines, penalties or other money, to be applied to public purposes, to file with him each month, or more often if the city council so directs, a report of all fees collected by such officers.

(10) He shall monthly, or as often as he may be directed by the city council, file with the council a complete statement of the financial condition of the city, and its subdivisions, showing receipts and expenditures of the different departments of the city. Statement of financial condition of city.

(11) He shall advise with the Mayor, City Manager, Treasurer and the various department heads of the City of Raleigh, and its subdivisions, and with the Local Government Commission of the State of North Carolina, and he shall inform himself as to the best and simplest methods of so doing so as to bring about, as far as possible, a simple accurate and uniform system of keeping accounts of the city and its various departments. Advise with city officials, etc.

(12) He shall, in conjunction with the city manager and treasurer, submit to the city council, at the proper time, an annual budget estimate and budget which shall be prepared in accordance with the provisions of the general laws of North Carolina as the same are now or may hereafter exist. Submit annual budget estimate and budget.

(13) He shall perform such other duties as may be imposed upon him by the city council and those which may be now or hereafter required of municipal accountants by the general laws of the State of North Carolina and as applicable to the City of Raleigh. Other accounting duties.

(14) He shall certify on all contracts of the city as to whether or not funds of said city have been properly provided for the carrying out of said contracts on the part of the city. Availability of funds for payment of contracts.

SEC. 64. Certificate of City Accountant Prerequisite to Expenditure of Public Funds. No contract or agreement requiring the payment of money, or requisition for supplies or materials, shall be made, and no warrant or order for the payment of money shall be drawn upon the treasury of the city unless provision for the payment thereof has been made by (a) an appropriation ordinance or resolution as required by law, or (b) through the means of bonds or notes duly authorized by the General Assembly and by the city council, and further authorized, in all cases required by law or by the Constitution, by a vote of qualified voters or taxpayers, or otherwise; nor shall such contract, agreement or requisition be made unless the unencumbered balance of such appropriation or provision remains sufficient for such payment. No contract or agreement or requisition requiring the payment of money shall be valid unless the same be in writing, and unless the same shall have printed, written or typewritten thereon a statement signed by the city accountant as follows: "Provision for the payment of the moneys to fall due under this agreement has been made by appropriation duly made, or by bonds or notes duly authorized, as required by the Local Government Act." Before making such certificate, the city accountant shall ascertain that a sufficient unencumbered balance of the specific appropriation remains for the payment of Certificate of city accountant prerequisite to expenditure of public funds. Form or requisition for disbursements. Trust imposed on city accountant.

the obligation, or that bonds or notes have been so authorized proceeds of which are applicable to such payment, and the appropriation or provision so made shall thereafter be deemed unencumbered by the amount to be paid on such contract or agreement until the city is discharged therefrom. No claim against the city shall be paid except by means of a warrant or order on the city treasurer signed by the head of the department for which the expense was incurred, nor unless the bill or claim for which the warrant or order is given shall have been presented to and approved by the city accountant, or in case of his disapproval of such claim or bill, by the city council. The city council shall not approve any claim or bill which has been disallowed by the city accountant without entering upon the minutes of the city council its reason for approving the same in such detail as may show the city council's reason for reversing the city accountant's disallowance. No warrant or order, except a warrant or order for payment of maturing bonds, notes or interest coupons thereto appertaining, and except a warrant or order for the payment of any bill or claim approved by the city council over the disallowance of the city accountant, as above provided, shall be valid unless the same shall bear the signature of the city accountant below a statement which he shall cause to be written, printed or typewritten thereon containing the words: "Provision for the payment of this warrant (or order) has been made by an appropriation duly made or a bond or note duly authorized, as required by the Local Government Act."

Payment of claims against city.

Payment by city council of bill or claim disallowed by city accountant.

Supervision by director of finance of collections and purchases and contracts.

SEC. 65. Supervision by Director of Finance of Collections and Purchases and Contracts. The director of finance shall have general supervision over the collection of all taxes, special assessments, license fees and other revenues of the City of Raleigh, but the responsibility for collecting taxes, special assessments, license fees and other revenues of the city and the responsibility for receiving and accounting for such moneys shall be that of the city collector of revenue, as hereinafter provided. The director of finance shall also have general supervision over the purchase, storage and distribution of all supplies, materials, equipment and other articles authorized to be purchased by the city council, as well as all contracts relating to such purchases, but the direct responsibility for such purchases and contracts shall be imposed upon the city purchasing agent, who shall be the head of the division of purchases and contracts, as hereinafter provided.

Division of collections; city collector of revenue.

SEC. 66. Division of Collections; City Collector of Revenue. The city manager shall appoint a city collector of revenue, who shall have all of the powers and duties imposed by the general laws of North Carolina upon municipal tax collectors and who shall have the power and duty of collecting, receiving and properly accounting for all taxes, special assessments, license fees, penalties, interest and other revenues payable to the City of Raleigh. The city collector of revenue shall serve at the pleasure of the city manager and may be removed from office as pro-

Term of city collector of revenue.

vided by law. The city collector of revenue shall, before entering upon his duties and annually on or before the first day of the fiscal year of the City of Raleigh, furnish to the City of Raleigh a bond in an amount of not less than fifty thousand dollars ($50,000.00), as may be prescribed and approved by the city council, for the faithful performance of his duties and for a proper accounting of all funds coming into his hands by virtue of his office, or coming into his possession in connection therewith, for which he may be responsible, a new bond to be furnished annually, and he shall receive such compensation for his services as is fixed by the city council.

Bond.

Compensation.

In the event that provision shall be lawfully made for the collection of ad valorem taxes to be collected and received by any collector who collects both City of Raleigh and Wake County taxes, the city collector of revenue shall thereupon have no power or duties to collect such taxes, penalties, interest and revenues the responsibility for the collection and receiving of which shall be imposed upon such collector who collects both city and county taxes, in such event, the city council may prescribe a bond for the city collector of revenue which may be less than the amount of fifty thousand dollars ($50,000.00) as hereinabove provided for.

Joint collection of City of Raleigh and Wake County taxes.

SEC. 67. Powers, Duties and Obligations of City Collector of Revenue. Specific Enumeration. The powers, duties and obligations of the city collector of revenue shall in addition to powers, duties and obligations prescribed by the general laws or by other laws applicable to the City of Raleigh, be as follows:

Powers, duties and obligations of city collector of revenue.

(1) He shall collect ad valorem taxes on real and personal property, street assessments, benefits assessed in condemnation proceedings, license privilege taxes, poll taxes, auto license taxes, dog licenses, and all other taxes of any nature or kind, privilege or otherwise required to be paid to the City of Raleigh and not herein otherwise specifically required to be collected by some other officer or department of the City of Raleigh. He shall keep a true and accurate account thereof and shall allocate the moneys received by him to the respective accounts designated in the levy of such tax assessments, and each day render a detailed statement of such collection to the Treasurer of the City of Raleigh accompanied by a duplicate bank deposit slip showing the deposit of such funds in a depository, or depositories, designated by the city council for the deposit of such funds.

Collection of taxes, assessments, etc.

Accounts and allocations.

(2) He shall be the custodian of the tax books and records, together with all tax sale certificates, street assessment books and records, and all moneys coming into his hands, until the same have been duly deposited in the depository, or depositories, named by the city council.

Custodian of tax books and records, etc.

Issuance of privilege licenses.

(3) He shall issue under the rules and regulations of the city council all privilege licenses except those authorized to be issued by other officers or departments of said city upon the payment of the license or privilege fee required by the ordinances of the City of Raleigh.

Effect of possession of tax list or scroll.

(4) Possession of the tax list or scroll, after having been placed in the hands of the city collector of revenue by the city council, shall have the same force and effect of a duly docketed judgment and of an execution against the real and personal property of the persons charged with taxes on such list, and the collector of revenue is authorized to make seizure under said tax list as fully as if an execution issued from a court of competent jurisdiction, in the same way and manner as the sheriff may levy and execute upon an execution issued to him by a court of competent jurisdiction, and he shall, when necessary, institute in the name of the city, garnishment proceedings for the purpose of collection of taxes.

Collection of water and sewer service charges, connection fees and inspection fees.

SEC. 68. Collection of Water and Sewer Service Charges, Connection Fees and Inspection Fees. The city council may impose upon the city collector of revenue the duty and responsibility for collecting, receiving and properly accounting for all water and sewer charges, rents and fees for services, all water and sewer connection charges or fees, and all other inspection fees and revenues due to the city in connection with the operation of its public utilities department; *provided, however,* that the city council shall have the power to provide for a special collector to collect such fees, charges, rents and other revenues, in which event there shall be no power or duty to collect the same conferred upon or imposed upon the city collector of revenue.

Division of purchases and contracts.

City purchasing agent.

SEC. 69. Division of Purchases and Contracts. There shall be established in the department of finance a division of purchases and contracts, the head of which shall be the city purchasing agent. The purchasing agent shall be appointed by the city manager and shall serve at the pleasure of the city manager. The city purchasing agent, pursuant to the provisions of this Act and pursuant to rules and regulations established by ordinance adopted by the city council, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The purchasing agent shall also have the power and shall be required to:

Powers and duties of purchasing agent.

Provide specifications for materials and equipment.

(1) Establish and enforce specifications with respect to supplies, materials and equipment required by the city government, in cooperation with the heads of the various departments and divisions.

Inspection or deliveries of supplies, etc.

(2) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformance with specifications.

(3) Have charge of such general storerooms and warehouses as the city council may provide by ordinance. Charge of general storage.

(4) Transfer to or between offices, departments or agencies, or sell surplus, obsolete or unused supplies, materials or equipment, subject to authorization and the direction of the city council. Surplus or unused supplies, etc.

SEC. 70. Procedure for Public Contracts and Purchases. No construction or repair work, or purchase of apparatus, supplies, materials or equipment for the City of Raleigh requiring an estimated expenditure of public money in an amount equal to or more than one thousand dollars ($1,000.00), except in cases of special emergency involving health and safety of the people or their property, shall be performed, nor shall any contract be awarded therefor, by the city council unless the provisions of this Section are complied with. Procedure for public contracts and purchases.

Prior to awarding any contract or authorizing any purchases within the meaning of this Section, proposals or bids shall be invited by advertisement published at least once in a newspaper having general circulation in the city and being qualified to publish legal advertising under the general laws of North Carolina, which advertisement shall be published at least seven days before the time specified for the opening of said proposals or bids. The advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had, and the time and place for opening the proposals, and shall reserve to the city council the right to reject any or all such proposals. Proposals shall not be rejected for the purpose of evading the provisions of this Section or any other applicable law. Advertisement for proposals or bids. Contents of advertisement.

All proposals shall be opened in public at some specific place at the city hall designated in the advertisement, but it shall not be required that the proposals be opened at a meeting of the city council; *provided, however*, that when the proposals shall be so opened in public other than at a meeting of the council, the city manager, the city clerk, or the city purchasing agent shall be present and all proposals shall be recorded and tabulated and shall be reported to the city council at its next meeting following the opening of such proposals, and the proposals shall be recorded as a part of the minutes of that meeting of the city council. The city council shall have the right to reject any or all such proposals. If the city council shall determine to award a contract for the work or for the purchases included in the proposal, the ward shall be made to the lowest responsible bidder, taking into consideration the quality of articles to be supplied, their conformity with the standards and specifications established and prescribed, and the time specified in the proposal for the performance of the contract. The city council shall have the power to require by regulation or otherwise that no proposal Public opening of proposals. Record of proposals. Awarding of contracts. Proposals to be accompanied by deposit or check.

shall be considered or accepted unless the same shall be accompanied by a deposit with the city council of cash or a certified check on some bank or trust company authorized to do business in the State of North Carolina, or insured by the Federal Deposit Insurance Corporation or a cashier's check executed by some such bank or trust company in an amount to be determined by the city council, which requirement, if adopted by the city council, shall be stated in the advertisement requesting proposals or bids. When the city council shall require any such deposit to accompany a proposal, such deposit shall be retained by the City of Raleigh if the successful bidder fails to execute the contract within ten days after the ward or fails to give satisfactory performance bond, if such bond shall be required by the city council as hereinafter provided for.

Execution of contracts.

All contracts for work or for purchases to which this Section applies shall be executed in writing and shall be signed by the mayor, or when authorized by ordinance or resolution of the city council such contracts may be signed by the city manager, the city purchasing agent or such other official as may be designated by the city council.

Performance bond or deposit.

The city council may, in its discretion, require the person, firm or corporation to whom the award of contract is made to furnish bond in some surety company authorized to do business in the State of North Carolina, or may in its discretion require, or permit in lieu of bond, a deposit of money, certified check, cashier's check or government securities, for the full amount of said contract, conditioned upon the faithful performance of the terms of the contract; and in all cases involving contracts for construction or repair work to which this Section applies, the city council shall require such performance bond or deposit of money, certified check, cashier's check, or government securities for the full amount of said contract conditioned upon the faithful performance of the terms of the contract.

Alteration of contracts.

No such contract shall be altered except by written agreement of the contracting party, the surety on the performance bond, if any, and by an official of the city specifically authorized by the city council. Any such surety bond or securities authorized or required herein shall be deposited with the Treasurer of the City of Raleigh until the contract has been carried out in all respects.

Reports by department heads of needed supplies and equipment.

SEC. 71. Reports by Department Heads of Needed Supplies and Equipment; Estimates and Purchases. (a) It shall be the duty of all department heads to furnish to the city purchasing agent, when requested by him, on forms furnished by him, tabulated estimates of all supplies, materials, and equipment needed and required by each respective department for such periods in advance as may be designated by the city purchasing agent, or as prescribed by the city council.

Estimates of total requirements.

(b) The city purchasing agent shall compile and consolidate all such estimates of supplies, materials and equipment needed

and required by the various departments to determine the total requirements for any given commodity. If the total requirements for any given commodity will involve an expenditure equal to or more than one thousand dollars ($1,000.00), sealed bids shall be solicited by advertisement as required by and according to the provisions of Section 70 of this Act. Additional methods of advertisement may be adopted by the city purchasing agent when deemed advantageous for the particular item to be purchased, but such methods shall not be in substitution for the methods and procedure prescribed by Section 70 of this Act.

Sealed bids solicited in purchase involving $1,000 or more.

(c) All contracts for construction or repair work or for the purchase of apparatus, supplies, materials or equipment, involving the expenditure of public moneys of the city in an amount of two hundred dollars ($200.00) or more, but less than one thousand dollars ($1,000.00), when practical or when directed by the city council by ordinance, resolution or otherwise, shall be awarded to the lowest responsible bidder after informal bids have been secured, and it shall be the duty of the city purchasing agent to keep an accurate record of all bids submitted, and such record shall be subject to public inspection at any time. In awarding such contracts on a basis of competitive bidding, the city purchasing agent may take into consideration the quality of the articles to be supplied, their conformity with the standards and specifications established and prescribed, and the date or dates of delivery specified in the bids.

Informal bids on purchase from $200 to $1,000.

(d) All purchases made and contracts executed by the city purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the director of finance (city accountant) certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Purchases and contracts executed pursuant to written requisition.

Certificate of credit of department, office or agency.

SEC. 72. Evasions of Act Prohibited. No bill or contract shall be divided for the purpose of evading the provisions of this Act relating to purchases and contracts.

Evasion of acts prohibited.

SEC. 73. Separate Specifications for Certain Contracts; Responsible Contractors. In awarding or entering into any contract for the erection, construction or alteration of any building, when the entire cost of such work shall exceed ten thousand dollars ($10,000.00), the city council shall comply with the provisions of Section 160-280 of the General Statutes of North Carolina, as amended from time to time.

Separate specifications for certain contracts; responsible contractors.

SEC. 74. Contracts Contrary to Provisions of Act Made Void. If any contract for construction or repair work or for the purchase of any supplies, materials or equipment within the meaning and application of Sections 70-73, inclusive, of this Act, shall

Contracts contrary to provisions of Act made void.

be made contrary to the provisions of this Act, such contract shall be void and of no effect; and in such event, the officials and employees of the city authorizing or making, or purporting to authorize or to make, any such contract or purchase, shall be personally liable for the costs thereof, and if such work, supplies, materials, or equipment are so unlawfully contracted for or purchased and paid for out of city moneys, the amount thereof may be recovered in the name of the City of Raleigh in an appropriate civil action instituted therefor.

Sales of personal property of city.

SEC. 75. Sales of Personal Property of the City. The city council shall have power at any time to sell any and all personal property belonging to the City of Raleigh after having authorized the sale thereof by resolution duly adopted and after having advertised the property for sale by publishing a notice at least once in a daily newspaper published in the City of Raleigh and qualified to publish legal advertising, at least seven days prior to the date of the sale, which notice shall contain a brief description of the property to be sold and the date, hour and place of such sale. Such sale shall be by public auction or by sealed bids invited by advertisement which shall be publicly opened, or by a combination of sealed bids and public auction, as set forth in the said resolution and notice of sale or as prescribed by ordinance. The sale shall be subject to confirmation by the city council, and the city council shall have the right and power to reject any and all bids, or to authorize a sale to the highest bidder for cash if the council determines in its discretion that the highest price bid is fair and reasonable. The mayor, or other official authorized by the city council, shall have power to make title to the purchaser.

Notice of sale.

Contents of notice.

Method of sale.

Sale subject to confirmation by city council.

Sales of real property of city.

SEC. 76. Sales of Real Property of the City. The city council shall have the power at all times to sell at public auction to the highest bidder, for cash, any real property belonging to the City of Raleigh, wheresoever situated, but only after having authorized the sale thereof by resolution duly adopted, and after having advertised the same for sale at public auction at least once a week for at least two consecutive weeks prior to the sale in at least one daily newspaper published in the City of Raleigh and qualified to publish legal advertising, the first notice advertising the sale to be published at least fifteen days prior to the date of the sale, which notice or advertisement shall describe the real estate to be sold and shall specify the date, hour, and place of such sale; *provided, however,* that before any bid shall be deemed to be accepted or any sale made, or any title passed by virtue of any such sale, the sale shall be confirmed by the city council, and the city council may, in its discretion, refuse confirmation; and when a sale has been duly confirmed and authorized by the city council, a warranty deed for said real estate may be executed by the mayor and attested by the city clerk, with the corporate seal of the city attached; *provided,* that this Sec-

Notice of sale.

Contents of notice.

Confirmation of sale.

Execution of deed.

tion shall apply to all sales of all real estate belonging to the City of Raleigh, regardless of how such real estate may have been acquired by the city, whether by foreclosure of tax or assessment liens or otherwise, except, however, that this Section shall not apply to the sale of cemetery lots owned by the city, which may be sold at private sale at such prices as the city council may determine to be fair and reasonable, and deeds thereto executed as in case of other real estate. Incident to the power hereby granted to sell real estate at public auction, the city council shall have power and authority to employ the services of an experienced real estate broker or agent to secure a responsible highest bidder at any such sale and to pay a reasonable fee or commission for such service in the event any such sale shall be made and confirmed to such bidder.

Application of section.

Employment of real estate broker or agent.

SEC. 77. Department of Public Works. There is hereby created a Department of Public Works of the City of Raleigh and said department shall consist of a director of public works, who shall be its administrative head, and such other officers and employees as may be deemed necessary by the city council and whose salaries shall be fixed by the city council.

Department of Public Works.

Director; officers and employees.

Subject to the control of the city council, the director of public works, under the direction and supervision of the city manager, shall have control, management and direction of all public works not herein or otherwise expressly given to some other department of the city; all public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein or by the city council to some other department; the construction, cleansing, sprinkling, repair and maintenance of the streets and public places of the city; the erection of public buildings for the city; and the making, constructing, supervising and inspecting of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof. The director of public works shall have supervision and control and it shall be his duty to keep in good condition the streets, cemeteries and public grounds and parks of the City of Raleigh, subject to the legislative control of the city council. He shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places and relating to all matters within the jurisdiction and control of his department. The director of public works shall have supervision and direction of the location of railway tracks, telephone and telegraph wires, poles and other things placed by public service corporations in, along, under or over the streets in the city. Except as otherwise provided by ordinances of the city, the collection, removal and disposition of all waste, including but not being limited to garbage, rubbish and ashes, as defined by the city council, shall be under the jurisdiction, management and direction of the director of public works according to such rules and regulations as may be adopted from time to time by ordinance. The director of public works, through his department,

Powers and duties of director of public works.

shall have the duty and responsibility of keeping clean all streets, alleys and public places, in accordance with such regulations as may be prescribed from time to time by ordinances adopted by the city council. The director of public works shall also have supervision and management and control over the lighting system of the City of Raleigh and the management and direction of the lighting of the streets, alleys and other public places and grounds and all other places where city lights are placed. The director of public works and the officials and employees of the department of public works shall do and perform all other duties and services as prescribed from time to time by the city council, or otherwise provided by law. He shall have charge and supervision of the electrical inspector, plumbing inspector, and building inspector, and he shall have supervision and direction over all officers and employees in his department.

Divisions within Department of Public Works.

SEC. 78. Divisions within Department of Public Works. Within the department of public works and subject to the direction, supervision and management of the director of public works, there shall be the following divisions:

(a) Division of engineering, the administrative head of which shall be the city engineer, who shall be a civil engineer graduated from some recognized college or university, and who may be the same person holding the position of director of public works.

(b) Division of streets and highways.

(c) Division of sanitation.

(d) Division of public buildings.

(e) Division of shops.

(f) Division of cemeteries.

(g) Division of markets.

(h) Division of street lighting.

(i) Division of park maintenance.

(j) Inspection division.

(k) Such other divisions as may be from time to time authorized by the city council.

Powers and duties of divisions.

The powers and duties of the divisions with the department of public works and the officials and employees thereof shall be such as from time to time granted, prescribed and defined by ordinance or resolution of the city council. The city council shall have the power to eliminate any of the foregoing divisions or to combine any two or more divisions. The powers and duties granted and prescribed for the department of public works and for the various divisions thereof shall be in accordance with the provisions of this Act and in accordance with the Constitution and laws of the State of North Carolina.

Inspection Division.

SEC. 79. Inspection Division. The inspection division of the department of public works shall be composed of a chief building inspector, an electrical inspector, a plumbing inspector, and such other inspectors and employees as shall be deemed necessary by the city council and whose salaries shall be fixed by the city council. The inspectors and other employees of the division shall be under the supervision and direction of the director of public works.

Inspectors and employees.

Chief building inspector administrative head of division.

(1) The chief building inspector shall be the administrative head of the division and shall have control of the other inspectors and employees of said division under such rules and regulations as may be prescribed or authorized by the city council, and all inspectors shall take an oath for the faithful discharge of their respective offices.

Duties of inspection division.

(2) It shall be the duty of the inspection division to inspect all buildings which may be in the course of erection, alteration or repair and require inspection according to the building ordinances of the city; to examine and report on the condition of old buildings in said city; to supervise and inspect all electrical works and appliances used or intended for the use in the manufacture or supplying or receiving of electricity within the city, either for light, heat or power; to inspect all plumbing work, water fixtures and sewer connections constructed or being constructed in said city, or outside the city, where same is connected either to the water or sewer systems of the City of Raleigh, and to require the same to conform with the ordinances of the city. No building or other structures shall be constructed or repaired within the limits of the city, unless and until a permit therefor has been issued by the chief building inspector; *provided,* that the city council may, by ordinance, regulate the requirements for building permits with reference to the construction or repair of buildings or other structures as to cost thereof. The city council may require the payment of reasonable fees for the issuance and procurement of such permits which shall be payable at the time of the issuance of same.

Permit for building construction or repair.

Requirements for building permits.

Fee for issuance of permit.

Other duties and powers of chief building inspector and assistants.

(3) The chief building inspector and his assistants shall perform such other duties as may be required by the city council, and they shall be vested with all the power now or hereafter granted by the general laws of the State of North Carolina to such municipal inspectors, and they shall see that all ordinance enacted by the city council are complied with, with respect to this division.

Examinations for licensing of trades.

(4) Examinations for licensing of plumbers, electricians and other trades connected with the building industry shall be as prescribed by ordinances of the city council, and the inspection division shall collect the application fees and shall deposit such funds according to the rules and regulations as given by the city manager and the city accountant.

Application fees.

Department of Public Safety.

SEC. 80. Department of Public Safety. There is hereby created a Department of Public Safety of the City of Raleigh, and said department shall consist of a director of public safety, who shall be its administrative head, and such other officers and employees as may be deemed necessary by the city council and whose salaries shall be fixed by the city council, and there shall be such divisions within the department as may be established by this Act and by the city council.

Director of public safety, officers and employees.

Divisions under supervision of director of public safety.

Subject to the legislative control of the city council, the director of public safety, under the supervision and direction of the city manager, shall have control, management and direction of: The police division, which may continue to be known as the police department; the identification bureau; the fire division, which may continue to be known as the fire department; and such other divisions as may be established by law or by the city council. The chief of police, the chief of the fire department, and the head of any other division within the department of public safety shall be subject to the immediate direction and supervision of the director of public safety.

City manager may perform duties of director of public safety.

If the city council shall so determine by resolution or otherwise, the city manager may exercise and perform the powers and duties of the director of public safety, and that position shall not otherwise be filled until further authorized by the city council.

Powers and duties of director of public safety.

SEC. 81. Powers and Duties of Director of Public Safety. The director of public safety shall have charge of the police force, subject to the supervision and direction of the city manager, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and employees in the police department, and his direction shall be binding upon all such officers and employees.

Supervision of police department, etc.

He shall have charge of the police stations, jails, and property and apparatus connected therewith, including city ambulance and patrol wagons used in connection with his department.

Supervision of fire department, etc.

He shall have supervision and control, subject to the supervision and direction of the city manager, of the fire department, of all firemen, officers and employees therein or connected therewith, and of all fire stations, property and apparatus used in connection with the fire department; and of the fire alarm system, and all property and apparatus connected therewith.

He shall have power to temporarily supersede the chief of the fire department, and his orders to said department and all employees therein shall be binding upon said department.

Enforcement of ordinances relating to traffic.

He shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys,

and public ways, on and across railway lines, and through and over the cemetery ways, public parks, and other public places.

Ordinances relating to public health; supervision of health officers, etc.

He shall be charged with the duty of enforcing all laws, ordinances, and orders relating to public health and sanitation, and all health officers and employees of the city shall be under his supervision. It shall be the duty of the city council to pass such ordinances, rules and regulations, and employ such persons as necessary to preserve and protect public health. He shall be charged, through his department, with the enforcement of all quarantine regulations, and with suppressing and removing conditions on private property within the city that are a menace to health or public safety. He shall coordinate his activities referred to in this paragraph with the chief health officer.

Power to enter private premises.

He shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and he shall cause to be abated all nuisances which may endanger or affect the health of the city, and generally do all things, subject to the legislative control of the city council, that may be necessary and expedient for the promotion of health and the suppression of disease.

Abatement of nuisances.

Other services.

He shall perform all other services ordered by the city council, or that may be ordered by the city council, not herein expressly conferred upon some other department.

Police Department.

SEC. 82. Police Department. There is hereby created, within the department of public safety, a police department (or division), which shall be composed of a chief of police, under the director of public safety, and such other officers and employees as shall be deemed necessary by the city council. The salaries of the chief of police and of the other officers and employees of the department or division shall be fixed by the city council. The chief of police may or may not be chosen from the officers of the police department. The chief of police at the time of his appointment shall be a resident of the City of Raleigh and his appointment shall be subject to the Civil Service Act.

Powers and duties of chief of police and members of department.

SEC. 83. Powers and Duties of Chief of Police and Members of Department. The chief of police, acting under the director of public safety, shall have the supervision and control of the police force, and it shall be his duty to report to the director of public safety any failure of duty on the part of any member of the police force. It shall be the duty of the chief of police to see that all laws and ordinances of the city are enforced and to do all such things as may be required of him by ordinances adopted by the city council or by the director of public safety. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city; such power and authority to be exercised by them not only in the corporate limits, but within all territory extending one mile in all

directions from and beyond the corporate limits of the city or on any rights of way, easements, or property of the city without the corporate limits thereof, for the purpose of enforcing ordinances and regulations of the city and for the further purpose of suppressing disturbances and apprehending offenders. They shall execute all process legally directed to them by any court and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with violation of law or of city ordinances in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the Clerk of the City Court of Raleigh all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as those of sheriffs for like service.

Rules and regulations for government of police.

The city council shall make rules and regulations for the government and direction of the police of the city. The city council may require the entire police force to wear badges, and to be so armed and uniformed as to be readily recognized by the public as peace officers; *provided,* that the director of public safety, or the chief of police, when either deems it necessary, may authorize any such officer to be on duty in plain clothes. The police of the city shall have power to do whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury.

Employment of detectives; powers and duties.

When funds shall have been appropriated for the purpose, and when considered expedient and in the public interest, the director of public safety, subject to the approval of the city manager, may employ temporarily, for a period of time not to exceed six months, persons trained and experienced as detectives, who need not necessarily be legal residents of the City of Raleigh, for the purpose of detecting violators of the criminal laws and ordinances in force in the city; *provided, however,* that there shall not be any re-employment of any such person at any time within a period of thirty (30) days immediately following the termination of a previous term of such temporary employment; *provided, further,* that such detectives so employed shall take and subscribe the same oath required of regular police officers of the city and shall have all of the powers, authority and duties of regular police officers of the city; *provided, further,* that such detectives so employed temporarily shall not be subject to the Civil Service Act applicable to police and firemen of the city. Such persons so employed shall be subject to the orders and direction of the director of public safety, chief of police and the city manager.

Oaths of director of public safety, chief and members of police force.

The director of public safety, chief of police, and each member of the police force, before entering upon the discharge of the duties of his office, shall be required to take and subscribe before

the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oath shall be filed with the city clerk and entered in the book with the oaths of the members of the city council and other officers of the city.

Commitments to county jail.

SEC. 84. Commitments to County Jail. The keeper of the common jail of the County of Wake may receive into the common jail of said county, without a mittimus, any person taken up in the nighttime by the city police force, and to keep such person safely until the following morning, when such offender shall be brought out for trial; and for such services the jailer shall be entitled to have such fees as are allowed him by law in like cases; *provided*, the city may provide and use a prison for the confinement of prisoners as provided by law.

Fire Department.

SEC. 85. Fire Department. There is hereby created, within the department of public safety, a fire department (or division), which shall be composed of a chief of the fire department (or division), and such other officers and employees as shall be deemed necessary by the city council, whose salaries shall be fixed by the city council.

Chief of fire department.

The chief of the fire department shall be responsible for the discipline and efficiency of the fire department. All orders shall pass through him and he shall see that all orders, rules and regulations applicable to the fire department are fully carried out and performed. Subject to the legislative control of the city council, rules and regulations shall be made by the chief and approved by the director of public safety and the city manager and the same shall be published and each member of the department shall familiarize himself with such rules and regulations.

Rules and regulations of department.

Duty of fire department.

The fire department shall protect the lives and property of the people. In case of an emergency, the chief of the fire department may cause the blowing up, or pulling down or destroying of any house or houses, and no person shall be held liable civilly or criminally for acting in such cases in obedience to such order.

Police powers of fire department.

The chief of the fire department and the other officers of the department shall have full police powers during fires, and are authorized to make arrests for interference with their operations.

Right of way of fire department apparatus.

In the event of an alarm of fire, the apparatus of the fire department shall have the exclusive right of way in and upon the streets, alleys, squares and railroad crossings in going to any fire.

Jurisdiction of department outside city limits.

The fire department shall have the same jurisdiction outside the city limits, as within, upon city owned, leased or controlled property, and as provided by the general laws of North Carolina.

Duties of chief with respect to inspection of buildings.

The chief of the fire department shall perform all duties under the general laws as the same are now or may hereafter be enacted with respect to the inspection of buildings.

Promotion and demotion of members of department.

The chief of the fire department shall have authority to make promotions and demotions of members in the department subject to the Civil Service Act applicable to the Police and Fire Departments of the City of Raleigh.

Civil Service Act.

SEC. 86. Civil Service Act. Nothing in this Act shall repeal or amend any of the provisions of Chapter Fifty (50) of the Private Laws of North Carolina, 1935, being the Civil Service Act relating to policemen and firemen of the City of Raleigh.

Department of Public Utilities.

SEC. 87. Department of Public Utilities. There is hereby created a Department of Public Utilities of the City of Raleigh,

Director of public utilities, officers and employees.

which shall consist of a director of public utilities, who shall be its administrative head, and such other officers and employees as may be deemed necessary by the city council and whose salaries shall be fixed by the city council.

Duties of director of public utilities.

The director of public utilities shall have the management, and supervision of, and shall be responsible for the proper operation and control of, the entire waterworks system and sewerage system of the City of Raleigh, and any and all other public utility systems which the city may lawfully acquire, construct, maintain and operate.

He shall have charge of the watersheds from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water and the disposal of sewage for the City of Raleigh. It shall be his duty to act for the city, subject to the legislative control of the city council, in securing all lands, streams, and rights of way and easements connected with and necessary to the supply of water and to the disposal of sewage for the city. He shall have supervision and control of all buildings, grounds, and apparatus connected therewith and incident to the furnishing of water for the city and the operation of the sewerage system.

He shall superintend the erection of water tanks, and laying of water lines and sewer lines and the operation thereof.

Other powers and duties of department.

The director of public utilities and the other officers and employees of the department and of the various divisions thereof shall have such other powers and duties and functions as may be provided and required by the city council and as may be otherwise provided by law.

Divisions of Public Utilities Department.

SEC. 88. Divisions of Public Utilities Department. There shall be such divisions within the department of public utilities as may be authorized by the city council, including but not limited to the following divisions: Administrative, engineering, water

operations, sewer operations, water and sewer collections, and such other divisions as may be deemed necessary or expedient by the city council; *provided*, that any division may be eliminated or may be combined with any one or more of the other divisions by appropriate action by the city council.

Special collector of revenues for utilities system.

In the event the city council shall provide for a special collector to collect and receive fees, charges, rents and other revenues payable to the city in connection with the operation of the public utilities of the city, as authorized by Section 68 of this Act, then such special collector shall be the administrative head of the collections division of the department of public utilities and he and the employees of the division shall be under the direction and supervision of the director of public utilities.

Establishment and operation of water, sewer and other utility systems.

SEC. 89. Establishment and Operation of Water, Sewer, and Other Utility Systems. The city shall have power to acquire, provide, construct, establish, own, maintain and operate its own light and waterworks system and sewerage system, and to furnish water, light and sewerage service to the citizens and residents of the city; and to furnish such services or any of them to any person, firm, or corporation desiring the same outside the corporate limits, where any such service is available, upon such terms and conditions as may be prescribed by the city council, in its discretion; and the city council shall have full and complete control, supervision and management of said public utility systems and each of them. The city shall not be under any legal obligation to extend or render any such services to anyone outside the corporate limits, except as may be required by contract lawfully made by the city. The city shall not in any case be liable to any person, firm or corporation, resident or nonresident, for damages for a failure to furnish a sufficient supply or particular quality of either water, sewer service, or light for any purpose. The city council shall have the power to adopt such rules and regulations as may be considered necessary or expedient, in the discretion of the city council, to provide for the protection, maintenance, management and operation of such systems of the city.

Services outside corporate limits.

Rules and regulations for protection, etc., of systems.

Acquisition of rights of way and other property; condemnation powers.

SEC. 90. Acquisition of Rights of Way and Other Property; Condemnation Powers. The city council shall have full power to acquire and hold rights of way, water rights, sewerage outlets, and other property necessary or proper in connection with the ownership, maintenance or operation of any of the above named utility systems, both within and without the corporate limits. The city shall have power to condemn rights of way, easements, water rights, lands, sewerage outlets, and other property within and without the corporate limits of the city for the purpose of obtaining, storing, maintaining and furnishing a pure and adequate water supply, and of furnishing lights for the city and its citizens, and for the purpose of furnishing sewerage disposal service and sewerage treatment services for the city and its citi-

zens. The condemnation proceedings for any such purpose or purposes shall be the same as are provided for the condemnation of land for street purposes by this Act or by the General Statutes of North Carolina.

Connections with sewers.

SEC. 91. Connections with Sewers. The city council may require all owners of improved property which may be located upon or near any line of the sewerage system of the city, within the corporate limits, to connect with such sewerage line or system all water closets, toilets, bathtubs, lavatories, sinks, and drains upon their respective properties or premises, so that their contents may be made to empty into such sewerage system.

Charges for utility services.

SEC. 92. Charges for Utility Services. The city council is hereby authorized to fix and prescribe such rates of charges for water, light, and sewerage service, and for connections with any water or sewer line forming a part of or connected with the water or sewerage system of the city, and for inspection services, such rates of charges to be prescribed in the discretion of the city council; *provided*, that the rates may be graduated according to classes of service, quantity of consumption, or otherwise, as determined by the city council, but the rates within any particular classification shall be uniform and applicable alike to all consumers within any such classification; *provided, further, however*, that for connections, inspections and/or service supplied to persons, firms and corporations outside the corporate limits of the city, the city council may fix and prescribe a different and higher rate and charge from that charged within the corporate limits.

Sufficiency of charges.

SEC. 93. Sufficiency of Charges; Accounting Practices. The city council shall fix and prescribe such rates and charges as will provide annually for the payment of the annual debt service requirements on existing bonded debt for such waterworks system, sewerage system and lighting system, and repairs, maintenance, enlargement, extension, and operation of any such system or systems.

Accounting practices.

It shall be the duty of the city council and the city accountant, the city treasurer and other officers and employees handling moneys derived from the operation of the public utilities of the city, to keep a separate statement and account of the moneys received by the city from the waterworks system, sewerage system, and any other utility system operated by the city; and it shall be the duty of the city council to give preference to the waterworks, sewerage, and other city utility systems over the other departments of the city in such funds; *provided, however*, that the city council may make reasonable appropriations annually from the revenues received from the operation of the water, sewer, and other utilities of the city to the general fund account of the city, based, however, upon services rendered to the department of public utilities by the various officials, em-

ployees, and departments whose compensation and operating costs and expenses are payable from general fund revenues of the city, as determined by the city council.

Collection of charges.

SEC. 94. Collection of Charges. The city council shall fix the time or times when the water and/or sewer service charges shall become due and payable, and in case any such charge is not paid within ten days after it becomes due, the same shall become a lien upon the property where said water is used and with which said water and/or sewer connections are made; and the same may at any time therefore be collected, either by suit in the name of the city or by the collector of taxes for the city, by the sale of the property upon which said lien attaches, at the courthouse door in the City of Raleigh, after advertising the same thirty days in some newspaper published in the City of Raleigh; and the said sale shall be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are provided for the foreclosure of the lien on real estate for taxes. Upon failure of the owner of the property for which water or sewer is furnished, under the rules and regulations of the city council, to pay said charges when due, then the city council, or its agent or employees, may cut off the water from the said property; and when so cut off it shall be unlawful for any person, firm, or corporation, other than the city council, or its agents or employees, to turn on said water to said property, or to use the same in connection with the said property, without having first paid said charges and obtained permission from the city, through its department of public utilities, to turn on said water; and any person, firm, or corporation convicted of the violation of any one of the provisions contained in this Section shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days.

Unpaid charge shall become lien against property.

Methods of collection.

Discontinuance of service upon nonpayment of charges.

Violations of provisions of section made misdemeanor.

Where the water may be cut off under the provisions of this Section for the failure of the occupant of the premises to pay the charges for water and/or sewer service, and the occupant is not the owner of the premises but occupies the premises as a tenant, there shall be no lien against the premises, and it shall not be lawful for the city to require payment of such delinquent bill before turning on the water at the instance of a new and different tenant or occupant of said premises, but this provision shall not apply in cases where the premises are occupied by two or more tenants serviced by the same water meter.

Premises occupied by tenants.

SEC. 95. Department of Parks and Recreation. There is hereby created a Department of Parks and Recreation of the City of Raleigh which shall consist of a director of parks and recreation and other such officers and employees and divisions as may be deemed necessary by the city council, and whose salaries shall be fixed by the city council. There may be such divisions as established from time to time by the city council in its discretion.

Department of Parks and Recreation.

Director, officers and employees.

Powers and duties of director.

Subject to the direction and supervision of the city manager, and subject to the legislative control of the city council, the director of parks and recreation and his said department shall have the following powers and duties: To control, manager, and operate the amusement and recreation parks and playgrounds of the city in accordance with the rules, regulations and ordinances adopted by the city council; to plan, organize, supervise, and sponsor programs of public recreation for the best interests of the city and its citizens; and to operate swimming pools, baseball grounds, tennis courts, and such other facilities for recreation or play as may be authorized and directed by the city council; and to have such other powers and perform such other duties as may be authorized and directed by the city council or as otherwise by law provided.

Parks and recreation advisory commission.

The city council shall have power to create and appoint members to a parks and recreation advisory commission or committee, which shall have such powers and functions and be constituted as to membership, terms and organiaztion, as may be prescribed by the city council by ordinance or resolution.

Health Department.

SEC. 96. Health Department. The city is hereby authorized to create, pursuant to the general laws of North Carolina, a health department, which when created shall have as its administrative head a chief health officer, and such other officers and employees as may be deemed necessary by the city council, and whose salaries shall be fixed by the city council.

Chief health officer, employees, etc.

Duties of chief health officer.

The chief health officer shall have in his charge all matters pertaining to the health of the city and shall perform the duties required of him under such general rules and regulations as may be prescribed by the city council, and he, and any of the members of his department, shall have full power and authority to enter all premises affecting the health of the citizens of Raleigh, within or without the corporate limits of the City of Raleigh, and he shall be responsible for enforcing the laws and ordinances made for the general public health of the city.

Power to enter premises affecting general public health.

Abatement of conditions prejudicial to public health.

The chief health officer, the chief of police, or other officer or officers who may be designated for this purpose by the city council or the city manager, shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything within or without the city limits which is dangerous or prejudicial to the public health of the citizens of the City of Raleigh, and the expenses of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Other duties of chief health officer.

The Chief Health Officer of the City of Raleigh shall also perform such other duties as may be required by the city council, and he is hereby vested with the powers and obligations conferred and imposed upon municipal officials by the general laws

of the State of North Carolina as the same now are or may be hereafter enacted.

Powers of city council as to health and sanitation.

SEC. 97. Powers of City Council as to Health and Sanitation. The city council is hereby given, within the corporate limits of the City of Raleigh (and when exercised so as not to conflict with the rules and regulations of the Wake County Health Department and Health Officer within one mile in all directions beyond the boundaries of the city), all the power and authority that is now or may hereafter be given by law to the county board of health or county health officer or physician, and such further powers and authority as will best preserve the health of the citizens. The city council is hereby given power to make such rules and regulations, not inconsistent with the Constitution and laws of the State, for the preservation of the health of the inhabitants of the city as to the city may seem right and proper. The city council may establish and maintain a hospital or hospitals, or pesthouses, slaughterhouses, rendering plants, incinerators and crematories in the City of Raleigh, or within three miles thereof; may stop, detain, examine, or keep in a pesthouse or houses of detention persons having or suspected of having any infectious, contagious, or other communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liability to the owner, remove, fumigate, or destroy furniture, bedding, clothing, or other property which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and to better preserve the health of the citizens; and all expenses incurred by the city in disinfecting or caring for any person or persons, by authority of this Section, may be recovered by it from the person, persons, or property cared for; and when expense is incurred in caring for property, same shall become a lien on said property. Any person who shall attempt by force, or by threat of violence, to prevent his removal, or that of any other person, to the pesthouse, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this Act, shall be guilty of a misdemeanor.

Rules and regulations.

Maintenance of hospitals, etc.

Exercise of police powers in promotion of health and general welfare.

Recovery of expenditures.

Interference declared a misdemeanor.

Department of Planning.

SEC. 98. Department of Planning. (a) There is hereby created a Department of Planning of the City of Raleigh, and said department shall consist of a director of planning, who shall be its administrative head, and such other officers and employees as may be deemed necessary by the city council and whose salaries shall be fixed by the city council. The director of planning shall be appointed by the city manager and he shall be a graduate civil and planning engineer.

Director, officers and employees.

Powers and duties of director of planning.

(b) Subject to the legislative control of the city council and subject to the direction and supervision of the city manager, the director of planning shall have the following powers and duties:

To make a careful study of the resources, possibilities and needs of the City of Raleigh, particularly with respect to conditions which may be injurious to the public welfare and to make plans for the development of the city; to draft plans, compile population trends; to consult with and cooperate with civic organizations, subdivision developers, industrial organizations and other private business and individual enterprises; to obtain and prepare engineering, cost and statistical information necessary or advisable in connection with proposed plans of construction, repair and maintenance; to make surveys and comparisons for the purpose of recommending the needs for and appropriate locations of fire department stations, fire hydrants and other fire fighting and prevention services, police headquarters, stations, and services, sewer outfalls and lines, water lines, streets and sidewalks, utility services, to make surveys, studies and recommendations relating to drainage, and any other matters affecting the public interest and public safety, health and welfare, to the end that the activities and projects of all of the agencies of the city may be correlated and carried out under a comprehensive, definite plan and purpose rather than as separate disintegrated and disassociated fragments; and to perform such other duties as may be required by the city council.

Limitation upon authority of director.

(c) The director of planning shall have no authority over the operation of any other department of the city, and the several operating departments of the city shall continue to make plans for their respective spheres of activity; but the department of planning is created for the purpose of over-all planning designed to assist the several operating departments of the city in formulating a public policy which will treat the problems of the community and of the municipal government as a closely knit whole. The department of planning and its director shall have the duty of integrating the plans and projects of the several operating departments of the city government and the projects and plans of private business organizations, individuals and citizens and organizing and directing a systematic program in which the plans of each department of the city and of private enterprise, organizations and citizens may be directed, to the end that the future development and planning of the city will promote the public interest, welfare, health and safety.

Powers as to zoning ordinances.

(d) It shall be the duty of the director of planning to study the existing zoning ordinances and regulations; to prepare, or have prepared, a land use plan, and then to make recommendations to the city council as to any changes, alterations, additions or revisions of the zoning ordinance.

Cooperation with city planning commission.

(e) The director of planning shall consult with and advise and otherwise cooperate with the members of the city planning commission; and may serve as a member of the city planning commission.

(f) The director of planning shall from time to time make surveys and investigations to determine whether the provisions of the Zoning Ordinance of the City of Raleigh are being violated; and it shall be his duty, when violations are discovered, to take necessary and proper proceedings to enforce or require enforcement of the zoning ordinances. Enforcement of zoning ordinances, etc.

(g) The city council, by ordinance, may adopt such additional rules and regulations as considered necessary for the control and functioning of the department of planning and its director. Rules and regulations for control of department.

SEC. 99. City Planning Commission. City Planning Commission.

(a) There is hereby created the City Planning Commission of the City of Raleigh, which shall consist of five members, one of whom shall be the director of planning or such other administrative officer of the city as may be selected by the city council, who shall serve at the pleasure of the city council, and four of whom shall be appointed by the city council from among the citizens of the city (none of whom shall hold any other public office or position with the city), whose terms shall be four years; *provided*, that of the four members first appointed, one shall be appointed for a term of one year, one for two years, one for three years and one for four years. Any vacancy during the unexpired term of any member shall be filled by the city council for the remainder of the term. The members shall serve without compensation, except that the city council may prescribe and authorize the payment of a per diem allowance for attendance upon meetings not to exceed ten dollars ($10.00) per member per meeting. Membership. Terms. Vacancy appointments. Compensation.

(b) The city planning commission, as soon as practicable after its original appointment, shall meet and organize by electing one of its members as chairman and one of its members as secretary, each of whom shall serve for a term of one year and until his successor shall be elected and qualified. During the month of July of each year the city planning commission shall elect a chairman and secretary, each of whom shall serve for a term of one year and until his succesor has been elected and qualified. The city planning commission may establish its own rules governing meetings and procedures, subject to the legislative control of the city council; and the city planning commission shall meet at least once a month at such time and place as may be determined by the commission for the transaction of its business and the commission may meet at such other times as its members may determine. Organization of commission. Meetings.

(c) The city planning commission shall have no power to incur any debt or obligation on behalf of the City of Raleigh nor shall it have any power to make any expenditure of funds of the City of Raleigh unless such funds are specifically provided for in the budget of the City of Raleigh and appropriation made for such purposes by the city council. Power to incur debts and obligations, restricted.

Powers and duties of commission.

(d) The city planning commission shall study the resources, possibilities and needs of the city and shall have power to propose and recommend plans and maps for the systematic future development and betterment of the city, and, from time to time, shall have power to recommend changes in the same when changes are considered advisable; and to this end the city planning commission shall have power to recommend that the city be subdivided into districts or zones and shall cause to be prepared maps and plans of same, specifying and regulating the location, height, bulk, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, size of yards, courts and other open spaces, the manner of construction of buildings thereafter to be erected, altered or reconstructed in such district or zone, the density of population and the location and uses of buildings, structures and lands for trade, industry, business, residence or other purposes, and establishing rules governing building lines, and the city planning commission shall submit the same to the city council for its approval and adoption, either in whole or in part as may be determined by the city council in its discretion, and with such amendments as the city council may deem proper. The city planning commission is authorized to make a study of the existing parks of the city and to submit plans for the development of same, and locate new areas for park purposes and recommend to the city council the acquisition of same, and to submit plans for the development of existing playgrounds and to make recommendations for the acquisition and development of new playgrounds.

Recommendations of commission.

(e) The city planning commission may make recommendations for the promotion of the economic and industrial prosperity and the enhancement of the health, comfort and convenience of the citizens of the City of Raleigh. It may study and in its discretion recommend ways and means which will tend to prevent or relieve congestion, either of population or traffic, to control the fire hazard, to preserve the natural and historic features of the city, and to beauty the same. The commission may investigate, prepare surveys of and make recommendations on any matter which will, in its opinion, make the community a better place in which to live or work. Plans may be recommended by the commission for new streets, roads, boulevards, alleyways, viaducts, bridges, subways, parks, playgrounds, aviation fields, rail and bus terminals, tunnels, markets, public utilities, public buildings or any public improvements. Wherever any of the foregoing shall exist, then the city planning commission may make recommendations as to their respective removal, relocation, widening or extension, as occasion may suggest or necessity require.

Request of city council for opinions and recommendations.

(f) The city council shall have power at any time to request the city planning commission to give an opinion and make recommendations upon any matter pertaining to the powers and duties of the city planning commission.

(g) Before any new street is opened, or any existing street is extended, or before any new subdivision for residence, business or industrial uses is made, the person or persons opening such street or proposing such new subdivision for residence, business, industrial or other purposes shall submit a detailed plan with blueprints and other necessary data to such city planning commission. It shall be the duty of said commission to carefully examine the plans for such subdivisions as regards their nature and purpose, the number, width, character, and location of streets and alleys, and the size, material, and manner of laying of water mains and sewer lines; and transmit such application, with all data, to the governing body, with its recommendations in writing. The jurisdiction of such commission concerning the regulation of subdivisions shall extend one mile beyond the corporate limits of the city. The commission shall have the right to make recommendations for the correction, widening, or relocating of any interior street to the governing body.

Plans for proposed subdivision, etc., to be submitted to commission.

Examination by commission.

Jurisdiction of commission.

(h) The city council is hereby authorized and empowered, but shall not be required, to make provision in the city budget and to make appropriations for the purpose of carrying out the provisions of this Section.

Appropriation for purposes of section.

(i) The city council, in its discretion, is hereby authorized and empowered in the exercise of the police powers of the city, to pass and adopt and to amend and/or repeal all ordinances and resolutions, and to do all things necessary, to carry out the recommendations that may be made by the city planning commission, under the provisions and powers of this Section, where not contrary to law.

Powers of city council with respect to recommendations of commission.

SEC. 100. Zoning Regulations.

Zoning powers of council.

(a) For the purpose of promoting the health, safety, morals or general welfare of the city, the city council is hereby authorized and empowered by ordinance to regulate and restrict the location, height, bulk, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and uses of buildings, structures, and land for trade, industry, business, residence or other purposes, including off-street parking of vehicles. Such ordinances may provide that the board of adjustment may, in appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. Such ordinances may provide that the board of adjustment may authorize variances from the strict application of the regulations in such situations and subject to such limitations as may be set forth in the ordinance.

Division of municipality into districts for zoning purposes.

(b) For any and all said purposes and under a comprehensive plan, the city council may divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purpose of this Section; and within such districts the city council may regulate and restrict the erection, construction, reconstruction, alteration, repair and use of buildings, structures, and land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

Regulations and restrictions.

General objective of regulations.

(c) Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Establishment, enforcement, etc., of regulations and restrictions.

(d) The city council shall by ordinance provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. No

Submission of regulations, etc., to city planning commission.

such regulation, restriction or boundary or any amendment, supplement or change therein shall become effective until the same shall have been submitted to the city planning commission for its recommendations and until such recommendations have been

Public hearing before city council.

made to the city council, and until after a public hearing in relation thereto shall be held by and before the city council at which parties in interest and citizens shall have an opportunity to be

Notice of public hearing.

heard. A notice of such public hearing shall be published once a week for two successive calendar weeks, immediately preceding the date of such hearing, in a newspaper published in the city and qualified to publish legal advertising, said notice to be published the first time not less than fifteen days prior to the date fixed for said hearing.

Amendment or repeal of regulations and restrictions.

(e) Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change signed

Protest against change.

by the owners of twenty per cent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. The

provisions of this Section relative to public hearing and official notice shall apply equally to all changes or amendments. Public hearing.

(f) The city planning commission shall have power to make recommendations concerning the boundaries of the various districts and appropriate regulations to be enforced therein. The city planning commission shall hold public hearings on proposed regulations, restrictions and boundaries and proposed amendments, changes and modifications therein before submitting its final report thereon to the city council, and the city council shall not hold its public hearing or take action until it has received the final report of the city planning commission. Recommendations of commission as to boundaries and regulation of districts.

SEC. 101. Board of Adjustment. The city council shall have the power to create and appoint the members of a Board of Adjustment for the City of Raleigh pursuant to the provisions of Section 160-178 of the General Statutes of North Carolina, as amended from time to time. Board of Adjustment.

SEC. 102. Care Fund for Cemeteries. The city council is authorized to create a fund to be known as the perpetual care fund for the cemetery or cemeteries, for the purpose of perpetually caring for and beautifying the cemetery or cemeteries, and said fund shall be kept by the city as is provided for bequests and gifts for cemetery purposes; and the city council may make contracts with plat or space owners in the cemetery or cemeteries, obligating the city to keep up and maintain said lots or spaces, in perpetuity, upon payment of such sum or sums as may be fixed by the city council; and the city council is further authorized and empowered to accept gifts and bequests for such purposes, or upon such other trusts as the donors may prescribe; and the city council is authorized to set aside for said perpetual care fund an amount not exceeding twenty-five per cent (25%) of the proceeds of sale of cemetery lots. The principal of said funds so appropriated by the city council for the caring for the cemetery or cemeteries shall be held by the city council for caring for and beautifying the cemetery or cemeteries, and improving the same. The income from the said fund heretofore or hereafter made shall be used for such purpose of carrying out contracts with the individual plat or space owners for perpetual care of individual plats and spaces. Any gift heretofore or hereafter made to and received by the city, or any of its officers, shall be held, and used as a sacred trust fund for the purpose and upon the conditions named in such gifts or bequests, and any and all such funds shall be kept or invested separate and shall not be used for any other purpose, or by the city in its other affairs. The city treasurer shall keep a separate account of the cemetery funds, and a still further separate account of all special gifts or bequests made by persons for and in connection with the cemetery or cemeteries, and particular lots therein. The city council shall have the power to make rules and regulations and Care fund for cemeteries. Use of principal of fund. Use of income. Gifts held as trust fund for purposes specified. Separate accounts.

adopt ordinances for the carrying out of the duties imposed by this Section.

Taxation.

SEC. 103. Taxation. It shall be the power of the City of Raleigh and the duty of the City Council of the City of Raleigh, annually, to levy taxes that will raise sufficient funds for the operation and management of the affairs of the city, and shall levy and collect the same in accordance with the provisions as now or may hereafter exist under the general laws of the State of North Carolina; and said city shall have the further power to levy and collect such further taxes as may be approved by a vote of the electorate, and in accordance with such authority with respect thereto as may now or hereafter be granted to said city; *provided,* all polls and property taxable within the City of Raleigh shall be listed and valued and all property assessed as provided for in the listing, valuation and assessing of the same under the laws which may now or hereafter be applicable to Wake County and/or the City of Raleigh, and said city may levy and collect such license and privilege taxes as may be provided by law and ordinances of the city council.

Listing and assessment.

Ad valorem taxes to constitute lien upon personal and real property.

The ad valorem taxes levied by the City of Raleigh shall constitute a lien upon personal and real property, as provided by the general laws of the State of North Carolina, as the same may now or hereafter be enacted, and the City of Raleigh shall enforce and perfect the same upon personal and real property under the provisions and procedure which may now or hereafter be outlined and provided for in the general laws of the State of North Carolina; *provided, further,* that in the event that the City of Raleigh shall become the purchaser and owner of any real property in the enforcement of such tax liens, said real property so acquired may be sold at public sale at any time thereafter by the City of Raleigh.

Enforcement of lien.

Condemnation powers and procedure.

SEC. 104. Condemnation Powers and Procedure. When any land, property, rights, privileges, or easements shall be required for public use, including but not being limited to the purpose of opening new streets, or widening or changing those already opened, or other purposes allowed by this charter, or otherwise authorized by law, and the compensation therefor cannot be agreed upon by the owner or owners and the city council, the same may be condemned and taken by the city council at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the city council and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third; and in case the owner or owners or any of them fail or refuse to choose a freeholder, as above provided, for five days after being notified in writing so to do, then it shall be the duty of the city council to appoint a disinterested freeholder to act on the part of said owner or owners; and in making said valuation, said freeholders, after giving the owner or owners or their agent notice, or giving ten days'

Appointment of appraisers.

Notice to owner.

notice in a newspaper published in the city in case such owner cannot be found in the city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also such benefit or advantage such owner may receive from the opening, widening, or changing of such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the city council, under their hands and seals, which report, on being confirmed by the city council and spread upon their minutes, shall have the effect of a judgment against the City of Raleigh, and shall pass the title to the City of Raleigh of the land so taken, and the land may at once be taken and used by the city for the purpose intended; *provided*, that if either the owner or owners whose land is taken under this paragraph, or the city council shall be dissatisfied with the valuation thus made, either party may appeal to the next term of Wake County Superior Court; *provided, however*, that such appeal to the Superior Court or appeal to the Supreme Court shall not hinder or delay the city council in opening, widening, or changing such street or making use of the land or other property for the public purposes for which taken.

Report of appraisers.

Right of appeal to Superior Court from valuation of appraisers.

In addition to the foregoing powers, and as alternative powers and methods of procedure, the City of Raleigh is hereby vested with all power and authority now or hereafter granted to municipalities under the general laws of North Carolina, with respect to condemnation of property, rights, privileges or easements for public use, and in the exercise thereof the City of Raleigh shall follow the procedure outlined and provided by the general laws of North Carolina, as the same may now or hereafter be enacted; *provided, however*, that in said proceedings and in the confirmation of the assessment roll, any damages which may be assessed against said city in favor of any property owner, for the taking of any property, rights, easements or privileges shall be applied and credited upon the amount of benefits and the improvements, if any, assessed and allocated in said proceeding with respect to each respective parcel therein involved, and the remainder, if any, shall be collected and constitute a lien upon each respective parcel from the time of the confirmation of the assessment roll by the city council, as provided by said general laws; *provided, further*, that upon the confirmation of the assessment roll such lands, rights or privileges or easements so condemned shall be deemed to be acquired for public use, and said municipality may enter, take possession of or hold the same notwithstanding the pendency of any appeal, and no appeal taken to the Superior Court or to the Supreme Court shall hinder or delay said city in proceeding with such proposed improvements, and the taking of said land, provided that if any person shall be entitled in said proceeding to any amount to damages in excess of the benefits and cost of the

Alternative powers and methods of procedure.

improvements assessed against his property, the excess shall be, upon the confirmation of the assessment roll, paid into the Superior Court of Wake County for the benefit of such owner or other persons legally entitled thereto.

Local improvements.

SEC. 105. Local Improvements. The City of Raleigh is hereby vested with all the power and authority vested in municipalities with respect to public improvements or local improvements, such as but not limited to grading, regrading, paving and repaving public streets and alleys, and in the construction, reconstruction and alteration of curbs, gutters and drains in the public streets and alleys, and in the laying or relaying of sewers or water lines, and in the construction, reconstruction and alteration of sidewalks in the public streets and alleys, as are granted municipalities under the general laws of North Carolina as the same are now or hereafter may be enacted, including the provisions of Article 9 of Subchapter 1 of Chapter 160 of the General Statutes of North Carolina, and in the exercise of such powers, the City of Raleigh shall be controlled by and shall exclusively follow the procedure outlined in said public laws; *provided, however,* that it shall be mandatory upon said city to require the abutting property owners to pay the entire costs of such improvements, except such portion thereof as may be chargeable to street intersection or public alley intersections, which portions of the cost of such improvements shall be paid by the City of Raleigh; *provided, further,* that no assessment shall be levied for any such improvements upon any particular property if assessment therefor has been levied thereon within the previous ten years unless the owner of such land, or his duly authorized agent, shall, by petition duly signed and filed with the governing body of said city, specifically request that said improvements shall be made; *provided, further,* that nothing herein contained shall prevent the City of Raleigh from having the right and the same is hereby granted, to make, at its own expense, necessary repairs to its streets, alleys, curbs, sidewalks and bridges, *provided, further,* that the City of Raleigh may, at its own expense, in the discretion of the city council, repave and otherwise improve any public street or public alley which has heretofore been paved or so improved at the expense of the abutting property owners, and also pave, repave or otherwise improve any public street which constitutes a principal thoroughfare of the city or a part of a State or Federal highway.

Procedure.

Payment of costs of improvements.

Property assessed within ten year period.

Budget; appropriations; bonds and notes; and other financial powers and functions.

SEC. 106. Budget; Appropriations; Bonds and Notes; and other Financial Powers and Functions. The City Council of the City of Raleigh, the city manager, the city accountant, the city clerk, and the city treasurer, are respectively vested with all of the powers and authority, and are respectively charged with the functions and duties, and are subject to the restrictions and limitations of the following general laws of the State of North Carolina, as amended: The Municipal Finance Act, the Fiscal Control Act, The Local Government Act, The Revenue Bond Act,

The Municipal Capital Reserve Act, and all other general laws of the State applicable to the financial powers, duties and functions of municipalities and municipal finance and accounting officers. It shall be the ultimate responsibility of the city manager to prepare and submit to the city council the budget estimate as required by the Fiscal Control Act.

Civil actions against city; notice to city council before bringing suit.

SEC. 107. Civil Actions against City; Notice to City Council Before Bringing Suit.

(a) No action shall be instituted or maintained against the City of Raleigh upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to the city council, who shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitation from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running.

Notice prerequisite to civil action for damages.

(b) No action for damages against the city of any character whatever, to either person or property, real or personal, including damages for the taking and/or appropriation of private property of any kind, shall be instituted against the City of Raleigh, unless within ninety days after the happening, or the infliction of injury or damage to person or property, or the taking or appropriation of property, or other act of the city complained of, the complainant, his executors or administrators, shall have given notice in writing to the City Council of the City of Raleigh of such injury, damage, taking, appropriation, or other act complained of, stating in such notice the date and place of the happening or infliction of such injury or damage, the taking and appropriation of property, the manner of such infliction or other action complained of, the character of the injury or damage, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening of such injury or damage, taking or appropriation of property, or other act complained of, or in any manner interfere with its running.

Contents of notice.

Computation of time.

SEC. 108. Computation of Time. In all provisions of this charter and the ordinances that are now or to be hereafter enforced in the City of Raleigh, that fix any time for doing or performing any act, the time shall be Eastern Standard Time, and all persons, firms and corporations who are granted license by the city, shall be held to have accepted the same on the conditions that the said time shall govern; *provided*, that in the event what is commonly known as Daylight Saving Time shall be adopted by the city council or otherwise by law, then in such event such time shall be considered to be in force and effect with respect to the provisions of this Section in lieu of Eastern Standard Time.

Consolidation of departments.

SEC. 109. Consolidation of Departments. The City Council of the City of Raleigh is hereby authorized and empowered, in its discretion, to combine and consolidate, any two or more departments, or to discontinue any department, herewith provided for when deemed wise or expedient for saving or efficiency.

Partial invalidity section.

SEC. 110. Partial Invalidity Section. If any clause, sentence, paragraph, Subsection, Section, or any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part thereof directly involved in said judgment. If any part or clause of this Act shall be declared unconstitutional, and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein.

Conflicting laws repealed.

SEC. 111. Conflicting Laws Repealed. Except as specifically incorporated into the provisions of this Act, the following laws are hereby repealed; Chapter 59 of the Private Laws of North Carolina, 1913; Chapter 60 of the Private Laws of North Carolina, 1913; Chapter 63 of the Private Laws of North Carolina, 1923; Chapter 207 of the Private Laws of North Carolina, 1927; Chapter 11 of the Private Laws of North Carolina, 1933; Chapter 112, Private Laws, 1935; Chapter 552 of the Session Laws of North Carolina, 1945; and all other laws and clauses of laws in conflict with provisions of this Act are hereby repealed; *provided* that nothing in this Act shall authorize or empower the city to fix, supervise or control the rates and services of any public utility which are now, or may hereafter be subject to jurisdiction of the North Carolina Utilities Commission, and *provided* that nothing in this Act shall have the effect of authorizing or empowering the city to assess, levy or collect any franchise, license or privilege tax which the city is now, or may hereafter be, prohibited from assessing, levying or collecting under and by virtue of the provisions of the North Carolina Revenue Act or other public laws; *provided, further,* that the provisions of Chapter 246 of the Public-Local Laws of North Carolina, Extra Session 1921, in so far as applicable to the City of Raleigh, are hereby repealed; *provided, however* that all powers, duties, functions and authority vested by any statute not hereby repealed, in the Board of Commissioners of the City of Raleigh, howsoever designated, or in the several commissioners of the City of Raleigh, howsoever designated, shall be vested in the City Council of the City of Raleigh and shall be performed, exercised and administered by the City Council or the City Manager of the City of Raleigh in accordance with the terms and provisions of this Act.

Construction of Act with reference to public utilities under jurisdiction of Utilities Commission.

Conformity with provisions of Revenue Act.

Powers vested in Board of Commissioners by existing laws transferred to City Council.

SEC. 112. Effective Date. This Act shall be in full force and effect from and after its ratification. Effective date.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 404 CHAPTER 1185

AN ACT AMENDING G. S. 7-91 RELATING TO THE OFFICIAL COURT REPORTER IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 7-91, as amended, is hereby further amended by striking out the amendment added thereto by Chapter 759 of the Session Laws of 1947, and by inserting in lieu thereof the following: G. S. 7-91, amended.

"*Provided* that in Pitt County the compensation of the official, regularly appointed, court reporter shall be fixed and determined by the resident judge of the Fifth Judicial District at an amount in the exercise of his discretion and not to exceed one hundred dollars ($100.00) per week plus actual necessary expenses for each term of court which the official court reporter shall attend." Pitt County, compensation of official court reporter.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 412 CHAPTER 1186

AN ACT TO CREATE A LAW ENFORCEMENT OFFICERS' RELIEF FUND FOR THE TWIN COUNTY PEACE OFFICERS' ASSOCIATION OF EDGECOMBE AND NASH COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. This Act shall be known and may be cited as the Twin County Peace Officers' Relief Act. Twin County Peace Officers' Relief Act.

SEC. 2. Law enforcement officers shall be deemed to include all peace officers in Nash and Edgecombe Counties who are required by the terms of their employment to give full time to the preservation of public order, the protection of life and property, and the detection of crime, and all special officers or citizens who may be killed or injured while aiding or assisting regular peace officers or while acting as such officers. "Law enforcement officers" defined.

Membership of Peace Officers' Association.

SEC. 3. The Twin County Peace Officers' Association has been formed and the membership of the association includes all law enforcement officers who meet the requirements of this Section.

Application for membership.

Peace officers who are entitled to membership in the association shall make application on blanks to be furnished for that purpose, giving such information as may be required by said association,

Initiation fee and annual dues.

and shall pay an initiation fee and annual dues to be fixed by the executive board; however, such initiation fee shall not exceed five dollars ($5.00) and such dues shall not exceed twelve dollars ($12.00) per annum.

Executive board of association; membership.

SEC. 4. The affairs of the Twin County Peace Officers' Relief Association shall be governed by an executive board consisting of the Chairman of the County Board of Commissioners of Nash and Edgecombe Counties, the Sheriffs of Nash and Edgecombe Counties, the Chief of A. B. C. enforcement officers of Nash and Edgecombe Counties, the officer in charge of the State Highway Patrol in Nash and Edgecombe Counties and the Chiefs of Police of the following cities and towns; Tarboro, Rocky Mount, Nashville, and their successors in office, as ex officio members.

Organization of board; meetings.

At its first meeting, the said board shall organize and elect a chairman. The board shall meet in January of each year thereafter and elect a chairman, and such other meetings as may be necessary shall be held on the call of the chairman or any two

Quorum.

members. A majority of the members of the executive board shall constitute a quorum for the transaction of business. The

Rules and regulations.

board shall have authority to make such rules, regulations, and provisions as may be necessary to the proper administration of this Act.

Twin County Peace Officers' Relief Fee.

SEC. 5. In all criminal cases in Nash and Edgecombe Counties, North Carolina, brought in all courts wherein the defendant enters a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar ($1.00), to be known as the Twin County Peace Officers' Relief Fee, and shall be collected as other costs in the criminal cases are collected by the justice of peace, clerk, or other officer of the court authorized to receive costs. *Provided, however,* that such officers' relief fee shall not be taxed in the

Cases in which officers' relief fee shall not be taxed.

costs in cases where the cost is paid by the county or in cases of conviction or plea of guilty for the violation of a city ordinance, or in cases instituted under Article 40, Chapter 14 of the General Statutes relating to protection of the family.

Accounting and report of fees collected.

Such funds shall be turned over to the County Auditor of Nash County not later than the tenth day of each month with a fully itemized report of the cases in which collected. Any justice of

Wilful failure to make report, etc., made misdemeanor.

the peace, clerk or officer of the court who wilfully fails to make such report within such time or who knowingly and wilfully fails to report any item taxed or collected whether or not the same

shall be legally taxable or collectible, shall be guilty of a misdemeanor and shall be fined or imprisoned or both within the discretion of the court.

Donation and contributions to fund.

Donations and contributions to the Twin County Peace Officers' Relief Fund may be received from any source approved by the executive board.

Application of fund.

SEC. 6. The money paid into the Twin County Peace Officers' Relief Fund of Nash and Edgecombe Counties shall be used for the relief of any member of the association who may be injured, or rendered sick by disease contracted in the actual discharge of his duty as a law enforcement officer, and for the relief of his widow, dependent children or dependent parents, in the event of his death in the actual discharge of his duty.

Application of person entitled to benefits hereunder.

Every person entitled to benefits under this Section shall make application to the executive board and the executive board, after requiring a thorough medical examination or carefully reviewing the medical findings of a competent physician or physicians, and after carefully investigating each such application, shall determine what benefits, if any, shall be paid. *Provided*, that not more than five hundred dollars ($500.00) can be paid to any law enforcement officer or his dependents in any calendar year, and that no action at law or suit in equity shall be maintained against the association to enforce any claim or recover any benefit. *Provided, further*, that benefits shall not be denied to a person entitled to membership in the association unless he shall have had thirty days (30) from the time of his appointment, election, summons, or deputization in which to apply for membership.

Determination of benefits payable.

Action against association to enforce claim or recover benefit prohibited.

Treasurer of fund; bond.

SEC. 7. The County Auditor of Nash County shall be the treasurer of the fund. He shall give good and sufficient bond and the cost of the bond shall be paid from the funds of the association.

Investment of accumulated funds.

The accumulated funds of the association may be invested by the executive board in bonds of Nash and Edgecombe Counties, the State of North Carolina, and the United States Government.

Vouchers for expenditures.

Expenditures shall only be made upon vouchers properly signed by the chairman of the executive board and the treasurer.

Compensation and expenses of board.

SEC. 8. Members of the executive board shall serve without compensation. Reasonable office and stationery supplies and medical advisory fees may be paid for out of the funds of the association.

Authority of executive board to insure members of fund.

SEC. 9. The executive board shall have authority to insure the members of the Twin County Peace Officers' Relief Fund against death or disability, or both, during the term of their employment under forms of insurance known as group or other insurance, and the premiums on such insurance shall be payable out of the funds of the association.

Conflicting laws repealed.

Partial invalidity clause.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any other part thereof, other than the part decided to be unconstiutional or invalid.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 426 CHAPTER 1187

AN ACT TO AMEND SECTION 7-70 OF THE GENERAL STATUTES RELATING TO TERMS OF THE SUPERIOR COURT IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-70, amended.

SECTION 1. That that portion of Section 7-70 of the General Statutes relating to terms of Superior Court in Craven County as amended shall be amended by rewriting the same to read as follows:

Craven County, terms of Superior Court.

"Craven—Eighth Monday before the first Monday in March; thirteenth Monday after the first Monday in March, and the first Monday in September, for the trial of civil cases and criminal cases; fifth Monday after the first Monday in March for the trial of civil cases and criminal cases; fifth Monday before the first Monday in March to continue for one week for the trial of civil cases only; fourth Monday before the first Monday in March for the trial of civil cases only; third Monday before the first Monday in March for the trial of civil cases and criminal cases; fourth Monday after the first Monday in September and eleventh Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases only; tenth Monday after the first Monday in March for the trial of civil cases only.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 433 **CHAPTER 1188**

AN ACT TO FIX THE FEES OF THE CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Robeson County, Clerk Superior Court, schedule of costs in criminal matters.

SECTION 1. The Clerk of the Superior Court of Robeson County is hereby authorized and directed to assess as costs in criminal matters in the Superior Court the following amounts:

Appeal from Inferior Court, docketing same	$1.00
Presentments, each Defendant in Bill	.25
Subpoena, each name	.15
Filing Papers	.25
Seal, when necessary	.50
Empanelling Jury	.25
Judgment Final against each Defendant	2.00
Judgment Nisi	1.00
Transcript, each sheet	.25
Recording in minutes	.50
Sheriff arrest fees	2.00
County Tax when Jury Empaneled	5.00

Assessment of costs.

SEC. 2. The schedule of costs as set forth in Section 1 above, shall be assessed in the bill of costs, in all criminal cases, and other than as above enumerated, the cost shall be assessed as now provided by law.

Schedule of costs in civil cases.

SEC. 3. The Clerk of the Superior Court of Robeson County shall assess and charge in the bill of costs in civil cases in such Superior Court the following fees:

Appeal from Justices, including docketing	$3.00
Orders and Decrees	.50
Subpoena, each name	.15
All Notices	.50
Judgment Final in Term Time—$1.00 minimum and 20c additional for each copy sheet after the first 100 words.	
Judgment Final before Clerk including docketing—minimum $1.00 and 20c additional for each copy sheet after first 100 words.	
Probate for each deed and deeds of trust and mortgage on real estate	.25
All chattel mortgages	.15

All crop liens	$ .15
County Tax, when Jury empaneled	3.00
Sheriff's costs, serving summons	1.00
Serving Witnesses	.50

SEC. 4. That the fees enumerated in Section 3 above, shall be the rate of the bill of costs to be charged by said Clerk in civil matters, and except as enumerated in the above Section 3, the cost shall be assessed as now provided by law.

Fees of Register of Deeds.

SEC. 5. The Register of Deeds of Robeson County is authorized and directed to charge as fees, for recording papers in Robeson County, the following amounts:

For registering any deed or other writing, except a chattel mortgage or crop lien, authorized to be registered by the Register of Deeds, with certificate of probate or acknowledgment, containing not more than three copy sheets, the sum of one dollar ($1.00); and for each additional copy sheet fifteen cents (15c), except where a printed form used in the Register of Deeds' office is used, in which case the fee for each additional copy sheet shall be ten cents (10c);

Notwithstanding any other provisions of this Act, the fee for recording a chattel mortgage shall be thirty-five cents (35c), and the fee for recording a crop lien, or crop lien and chattel mortgage combined shall be fifty cents (50c), except when the forms used in such cases are other than those approved by the Register of Deeds or contain special agreements which make it impracticable to use said approved forms, or necessitate or involve work other than filling in blanks. In such cases, when such approved forms are not used, the fees for recording chattel mortgages and crop liens shall be the same as is provided with respect to deeds and deeds of trusts.

Application of Act.

SEC. 6. This Act shall apply only to Robeson County.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 434 **CHAPTER 1189**

AN ACT PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS OF THE IREDELL-ROWAN COUNTY DRAINAGE DISTRICT NUMBER ONE, RATIFYING ACTIONS OF SAID COMMISSIONERS HERETOFORE APPOINTED, AND TO PROVIDE FOR THE COLLECTION OF DELINQUENT ASSESSMENTS THEREIN.

Preamble: Appointment of commissioners for Iredell-Rowan County Drainage District Number 1.

WHEREAS, the Clerk of the Superior Court of Iredell County was authorized and empowered by Section 1 of Chapter 461 of the Public-Local Laws of 1935 to appoint commissioners for the Iredell-Rowan County Drainage District Number 1, and, acting under said authority, appointed W. Scott Murdock, John F. Long and Sam Carsons as the three commissioners for said district in accordance with the provisions of said law; and

Death of original appointee; substitute appointment made.

WHEREAS, since the above appointment, one of the commissioners, Sam Carsons has died and the said Clerk of the Superior Court of Iredell County under the authority and power of the said Act aforesaid, appointed C. Ross Woods as a commissioner of the said district, and

Duties of office performed by commissioners.

WHEREAS, acting under and by virtue of the authority of said appointment, the said commissioners have proceeded in conformity with the law to perform the duties of said office and have made and levied assessments on the property in the district, as authorized by law, both under the Act aforesaid and under the authority of Chapter 509 of the Public-Local Laws of 1937, and of Chapter 503 of the Public-Local Laws of 1939, and have done other acts under and by virtue of their said offices; and

Outstanding obligations of district.

WHEREAS, there are outstanding obligations of the said district and incidental expenses due by the said district; and

Outstanding delinquent assessments.

WHEREAS, there are outstanding delinquent assessments due by the landowners in said district and which to date remain unpaid: *Now, therefore,*

The General Assembly of North Carolina do enact:

Iredell-Rowan County Drainage District No. 1, appointment of commissioners ratified.

SECTION 1. That the appointment of W. Scott Murdock, John F. Long and C. Ross Woods, as commissioners for Iredell-Rowan Drainage District Number 1 by the Clerk of the Superior Court of Iredell County, is hereby ratified and confirmed, and all the acts and things done by said commissioners as commissioners for the said district, including the making of assessments against the landowners in said district and all other acts of said commissioners, are hereby ratified and confirmed and declared to be in all respects legal and binding to all intents and purposes; and the Clerk of the Superior Court of Iredell County is hereby authorized and empowered to reappoint said commissioners upon the expiration of their present terms, to the same extent and

Acts of commissioners ratified and confirmed.

Reappointment authorized.

under the same authority and power and for the same purposes as is set out in Chapter 461 of the Public-Local Laws of 1935.

Collection of delinquent assessments authorized.

SEC. 2. That the said commissioners are hereby authorized, empowered and directed to proceed immediately with the collection of delinquent taxes in said drainage district and are authorized and directed to do all the things necessary to collect any and all delinquent assessments now due by the landowners in said district.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 438 **CHAPTER 1190**

AN ACT TO ENABLE THE CITY OF NEW BERN TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

City of New Bern, sale of certain property owned by city authorized.

SECTION 1. The Mayor and the Board of Aldermen of the City of New Bern shall have the power to sell, either at public or private sale, in whole or in part, and upon such terms and at such times as said board may deem advisable, all, or any part, of that certain tract of land owned by the said City of New Bern consisting of approximately seventy (70) acres lying north of said city and known as Glenburnie, being the tract of land purchased by the City of New Bern from the Eastern Carolina Fair Association in 1919.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 451 CHAPTER 1191

AN ACT RELATING TO THE SALARIES OF THE SHERIFF, THE REGISTER OF DEEDS, AND THE CLERK OF THE SUPERIOR COURT OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Halifax County, authority of County Commissioners to increase salaries of certain officials.

SECTION 1. The Board of County Commissioners of Halifax County is hereby authorized, in its discretion, to increase the salaries of the Register of Deeds, the Clerk of the Superior Court and the Sheriff of Halifax County from their present salaries of forty-two hundred dollars ($4200.00) per annum by an amount not to exceed six hundred dollars ($600.00) per annum, which said increase of six hundred dollars ($600.00) is in the discretion of the board of commissioners of said county; that when said salaries have been increased by said Board of Commissioners of Halifax County, which shall be in an equal amount applicable to all of said officers, then the said Board of Commissioners of Halifax County shall thereafter have the power, in their discretion, to decrease the salaries of all three of said officers to not less than thirty-six hundred dollars ($3600.00) per annum upon condition only that the decrease in said salaries shall apply equally to all three officers herein above described.

Authority to decrease salaries.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 455 CHAPTER 1192

AN ACT TO AUTHORIZE THE TOWN OF TARBORO TO EXERCISE ZONING POWERS PURSUANT TO ARTICLE 14 OF CHAPTER 160 OF THE GENERAL STATUTES IN THAT TERRITORY LYING OUTSIDE OF, BUT WITHIN ONE MILE OF, THE CORPORATE LIMITS OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Town of Tarboro, exercise of zoning powers extended.

SECTION 1. The Governing Body of the Town of Tarboro is hereby authorized, in its discretion, to exercise all of the powers set forth in Article 14 of Chapter 160 of the General Statutes, as amended, in the territory lying outside of, but within one mile of, the corporate limits of the Town of Tarboro, in the same manner and to the same extent as such powers are exercised with respect to the territory within the corporate limits of said town, except as herein otherwise provided.

Appointment of additional members of Zoning Commission and Board of Adjustment.

Residence qualifications.

Terms.

Vacancy and successor appointments.

Powers and duties of additional members.

SEC. 2. Two additional members on the Zoning Commission provided for by G. S. 160-177 and two additional members on the Board of Adjustment provided for by G. S. 160-178 shall be appointed by the Governing Body of the Town of Tarboro, such appointments to be made upon recommendation by the Edgecombe County Board of Commissioners, and such appointees to be residents of the area outside of, but within one mile of, the corporate limits of the Town of Tarboro. Such additional members shall be appointed for a term of three years, and vacancies shall be filled for unexpired terms, and successors shall be appointed upon the expiration of regular terms, in the same manner as is herein provided for the initial appointment of additional members. Such additional members shall exercise their powers and perform their duties as members of said Zoning Commission and said Board of Adjustment only with respect to the territory lying outside of, but within one mile of, the corporate limits of the Town of Tarboro.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 459 **CHAPTER 1193**

AN ACT TO AMEND G. S. 14-335 IN RESPECT TO PUBLIC DRUNKENNESS IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

G. S. 14-335, amended as to penalty for public drunkenness, Davidson County.

SECTION 1. G. S. 14-335, as amended, is hereby further amended by adding Davidson County to the list of counties designated under Subsection 1 of G. S. 14-335.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 461 CHAPTER 1194

AN ACT TO SUPPLY AN INADVERTENT OMISSION IN CHAPTER 775 OF THE SESSION LAWS OF 1949 (HOUSE BILL NO. 154), THE SAME BEING "AN ACT TO AMEND THE CONSTITUTION SO AS TO TRANSFER TO THE CHIEF JUSTICE OF THE SUPREME COURT THE AUTHORITY NOW EXERCISED BY THE GOVERNOR IN THE ASSIGNMENT OF JUDGES AND TO EMPOWER THE LEGISLATURE TO DEFINE THE JURISDICTION OF THE SPECIAL JUDGES," RATIFIED APRIL 4, 1949.

The General Assembly of North Carolina do enact:

Ch. 775, Session Laws, 1949, amended to transfer power to call special terms of court.

SECTION 1. Section 3 of Chapter 775 of the Session Laws of 1949 (House Bill 154), as ratified April 4, 1949, is hereby amended by inserting in said Section, immediately after the words "assignment of judges" where those words first appear in said Section, the words: "and the calling of special terms of court,"

SEC. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 467 CHAPTER 1195

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A VICE-RECORDER FOR THE RECORDER'S COURT OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Caldwell County, Recorder's Court, appointment of Vice-Recorder authorized.

SECTION 1. The Board of County Commissioners of Caldwell County is hereby authorized, in its discretion, to appoint a Vice-Recorder for the Recorder's Court in Caldwell County to serve at the pleasure of said board and to exercise all the powers of the recorder of said court when performing the duties of said recorder.

Compensation.

SEC. 2. Whenever the vice-recorder herein provided for performs the duties of the recorder, he shall receive as compensation therefor the same compensation, pro rata, as the recorder would receive for performing such duties, and the same shall be deducted and withheld from the compensation of the recorder.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 469 CHAPTER 1196

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF 1949 ORIGINALLY REFERRED TO AS H. B. NO. 511 RELATING TO THE SALARY AND COMPENSATION OF THE ASSISTANT CLERK OF THE SUPERIOR COURT OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

Ch. 647, Session Laws, 1949, amended.

SECTION 1. That certain Act of the General Assembly of 1949, originally referred to as H. B. No. 511 and entitled: "A Bill to be Entitled an Act to Fix the Salaries of the Sheriff, Register of Deeds, Deputy Register of Deeds, Clerk of the Superior Court and the Assistant Clerk of the Superior Court of Stokes County," is hereby amended by rewriting Section 5 of said Act so that the same shall hereafter read as follows:

Stokes County, compensation of Assistant Clerk of Superior Court.

"SEC. 5. That on and after the first day of July, 1949, the Assistant Clerk of the Superior Court of Stokes County shall be paid a salary of twenty-four hundred dollars ($2,400.00) per annum, payable in equal monthly installments."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 470 CHAPTER 1197

AN ACT TO APPOINT J. YORK PEELER TO THE BOARD OF EDUCATION OF ROWAN COUNTY.

Preamble: Rowan County, resignation of member of Board of Education.

WHEREAS, R. L. Lyerly has resigned as a member of the Board of Education of Rowan County: *Now, therefore,*

The General Assembly of North Carolina do enact:

Appointment of successor, term.

SECTION 1. J. York Peeler is hereby appointed as a member of the Board of Education of Rowan County, and he shall hold office for the unexpired term of four years created by the resignation of R. L. Lyerly, former member of said board.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 471 CHAPTER 1198

AN ACT TO REPEAL CERTAIN PRIVATE LAWS RELATING TO THE ESTABLISHMENT OF THE MORVEN HIGH SCHOOL DISTRICT AND THE WADESBORO GRADED SCHOOL DISTRICT IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 92 of the Private Laws of 1909, relating to the establishment of the Morven High School District in Anson County, is repealed.

Ch. 92, Private Laws, 1909, creating Morven High School District, repealed.

SEC. 2. Chapter 89 of the Private Laws of 1907, as amended by Chapter 294 of the Private Laws of 1909, as amended by Chapter 222 of the Private Laws of 1911, as amended by Chapter 344 of the Private Laws of 1913, and as amended by Chapter 173 of the Private Laws of 1925, relating to the establishment of the Wadesboro Graded School District, is repealed.

Ch. 89, Private Laws, 1907, creating Wadesboro School District, repealed.

SEC. 3. This Act shall become effective immediately upon the adoption of a Resolution by the Board of Education of Anson County finding and declaring that adequate school facilities have been made available for all school children residing in the territory embraced within the limits set forth in the Acts establishing the school districts referred to in Section 1 and 2 of this Act.

Effective date.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 473 CHAPTER 1199

AN ACT TO AUTHORIZE THE GOVERNING BOARD OF THE TOWN OF ANSONVILLE, ANSON COUNTY, TO ADJUST ALL DELINQUENT TAXES FOR THE YEAR 1946 AND PRIOR YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. The Governing Board of the Town of Ansonville, Anson County, is hereby authorized and empowered to adjust or remit delinquent taxes due said town for the year 1946 and prior years, regardless of whether an action at law has been instituted for the collection of such delinquent taxes.

Town of Ansonville, adjustment of certain delinquent taxes authorized.

SEC. 2. All acts of the Governing Board of Ansonville heretofore taken in adjusting or remitting taxes for the year 1946 and prior years are approved and validated.

Prior adjustments validated.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 479 CHAPTER 1200

AN ACT TO AMEND CHAPTER 216 OF THE PRIVATE LAWS OF 1911 RELATING TO COSTS IN THE MAYOR'S COURT OF THE TOWN OF MIDDLESEX IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Ch. 216, Private Laws, 1911, relating to costs in Mayor's Court, Town of Middlesex, amended.

SECTION 1. Chapter 216 of the Private Laws of 1911 is hereby amended by striking out the period in line 13 immediately following the word and figure "dollar ($1)" and placing a semicolon in lieu thereof and inserting the following: "each affidavit, thirty-five cents (35c); each commitment, fifty cents (50c); each recognizance, fifteen cents (15c); issuing capias, one dollar ($1.00); docketing judgment, twenty-five cents (25c); making report to State Highway and Public Works Commission, fifty cents (50c)."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 114 CHAPTER 1201

AN ACT TO AMEND SECTION 105-37, SUBSECTION (b) RELATIVE TO THE LICENSE TAX ON THEATERS FOR COLORED PEOPLE.

The General Assembly of North Carolina do enact:

G. S. 105-37, Revenue Act, License Taxes, amended.

SECTION 1. Subsection (b) of Section 105-37 of the General Statutes is hereby rewritten to read as follows:

Tax on suburban and colored theaters.

"(b) For any moving picture show operated within the city limits or within one mile of the corporate limits of any city having a population of 25,000 or over, and known as neighborhood or suburban theaters, or for any theater operated exclu-

sively for colored people in a city having a population of 2500 or over, the tax levied shall be one-third of the above tax, based upon the population of such city."

SEC. 2. The Commissioner of Revenue is hereby authorized to refund, without interest, the difference between the amount actually paid for privilege license taxes under this Subsection for the license tax years 1947-1948 and 1948-1949 and the tax which would have been due if this amendment had been in effect during such years *provided*, that request for such refund is made within one year after the effective date of this Act.

Refunds authorized.

Request for refund.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 217 CHAPTER 1202

AN ACT TO AMEND CHAPTERS 1064 AND 1010 OF THE SESSION LAWS OF 1947, RELATING TO APPROPRIATION OF FUNDS FOR USE BY THE NORTH CAROLINA ARMORY COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 1064 of the Session Laws of 1947 is hereby amended by adding a new Section thereto immediately following Section 2, and immediately preceding Section 3, to be numbered Section 2½, and to read as follows:

Ch. 1064, Session Laws, 1947, appropriation for N. C. Armory Commission, amended.

"SEC. 2½. Notwithstanding any other provisions of law, the appropriation of funds by this Act shall not lapse at the end of the biennium, but any funds unexpended at the end of the biennium shall constitute a permanent fund to be expended from time to time in the manner and for the purposes provided in this Act."

Unexpended portion of appropriation at end of biennium to constitute permanent fund.

SEC. 2. Chapter 1010 of the Session Laws of 1947 is hereby amended by adding a new Section immediately following Section 8, and immediately preceding Section 9, to be numbered Section 8½, and to read as follows:

Ch. 1010, Session Laws, 1947, creating Armory Commission, amended as to unexpended portion of appropriation.

"SEC. 8½. The unexpended portion of any appropriation from the General Fund of the State for the purposes set out in this Act, remaining at the end of any biennium, shall not revert to the General Fund of the State, but shall constitute part of a permanent fund to be expended from time to time in the manner and for the purposes set out in this Act."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 294 CHAPTER 1203

AN ACT TO AMEND G. S. 113-95 AND G. S. 113-144 RELATING TO METHOD OF EXPENDITURE OF FUNDS BY THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina do enact:

G. S. 113-95, N. C. Game Law, amended as to licenses required.

SECTION 1. G. S. 113-95, as amended, is hereby further amended by striking out all of paragraph two following the words "to the law" in the tenth line from the end of said paragraph, as the same is set out in the 1947 Supplement to the General Statutes and by inserting in lieu thereof the following:

Part of license fees set aside in special fund.

Expenditure by Wildlife Resources Commission; purposes.

Expenditure for expansion of education and enforcement divisions.

"*Provided* that twenty-five cents (25c) of the fee received for the sale of each resident State hunting license, each nonresident hunting license, and each State resident hunting and fishing license as set forth above shall be set aside as a special fund which shall be expended by the North Carolina Wildlife Resources Commission, in its discretion, for the purpose of purchase, lease, development and management of lands and waters in North Carolina, or for the purpose of securing Federal funds for wildlife conservation projects through means of matching Federal funds in such proportion as Federal laws may require, and that twenty-five cents (25c) of each State fee herein described shall be expended by such Commission, in its discretion, for the purpose of enlarging, expanding and making more effective the work of the education and enforcement divisions of the North Carolina Wildlife Resources Commission. Any lands and waters acquired as above provided are to be used for the propagation of game birds, game animals and fish for public hunting and fishing."

G. S. 113-144, resident state license, amended.

SEC. 2. G. S. 113-144, as amended, is hereby further amended by striking out all of the Section following the words "the preceding Section" in the sixth line from the end of the Section, as set out in the 1947 Supplement to the General Statutes, and by inserting in lieu thereof the following: "*Provided* that twenty-five cents (25c) of this fee shall be set aside as a special fund for the purchase and lease of lands and waters, to be developed for the protection and propagation of fish or to be used for public fishing, or for the purpose of securing Federal funds,

Part of fee set aside as special fund; purpose.

if available, for the purposes described above through the means of matching Federal funds in such proportion as the Federal laws may require, and that twenty-five cents (25c) of each such fee shall be expended by such Commission, in its discretion, for the purposes of enlarging, expanding and making more effective the work of the education and enforcement divisions of the North Carolina Wildlife Resources Commission."

Expenditure for expansion of education and enforcement divisions.

SEC. 3. Fifty per cent (50%) of the fund which has heretofore accumulated for the purchase, lease, development, and management of lands and waters, pursuant to G. S. 113-95 and G. S. 113-144, and remains unexpended, may be expended by the North Carolina Wildlife Resources Commission, in its discretion, to expand, enlarge and make more effective the work of the education and enforcement divisions of the Commission.

Use of unexpended funds by Wildlife Resources Commission for education and enforcement divisions.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 359 CHAPTER 1204

AN ACT TO AMEND ARTICLE 12 OF CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA, KNOWN AS THE "RECREATION ENABLING LAW."

The General Assembly of North Carolina do enact:

SECTION 1. Section 160-161 of the General Statutes, as the same is set out in Chapter 1052 Session Laws 1945, is hereby amended by rewriting the first two sentences of said Section to read as follows:

G. S. 160-161, Recreation Enabling Law, amended.

"The board or commission shall be appointed by the governing body of the unit and shall consist of ten members, four of whom shall be ex officio members, one of whom shall represent the governing body of the unit, one the school system serving the unit, one the welfare department serving the unit, and one the health department serving the unit. The ex officio members shall serve and have the same powers and duties as other members. Six members shall be appointed to represent the public at large, two of whom shall be appointed for a term of one year; two for a term of two years; and two for a term of three years. Upon the expiration of their original terms of office, each succeeding term shall be for three years but no member at large shall immediately succeed himself beyond two consecutive terms and no ex officio member shall serve beyond the term of the office he represents or serve continuously to exceed six years."

Appointment of recreation board or commission.

Ex-officio members.

Public members; terms.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective from and after ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 381 CHAPTER 1205

AN ACT RELATING TO FISHING AND HUNTING.

The General Assembly of North Carolina do enact:

G. S. 113-101, N. C. Game Law, amended as to bag limits.

SECTION 1. G. S. 113-101 is hereby amended by adding a new paragraph immediately following the second paragraph and immediately preceding the last paragraph, to read as follows:

"Notwithstanding any other provisions of this Section or any other Section of law, it shall not be unlawful for any person to possess game birds and game animals for a period longer than ten (10) days next succeeding the close of the open season during which such birds or animals were lawfully taken, *provided* a written declaration of the kinds and amounts of birds or animals so possessed is filed with the county game and fish protector within ten (10) days of the close of the season during which such birds or animals were taken, but the amount and kinds of such birds and animals possessed at any one time shall not exceed the limitations imposed by law on the possession of any such birds or animals."

Possession after close of season, regulated.

G. S. 113-102, amended to prohibit purchase or sale of game animals for resale.

SEC. 2. G. S. 113-102 is hereby amended by striking out the second sentence of the paragraph numbered "3," which sentence begins with the word "Rabbits" in line 17 of the Section and ends with the word "require" in line 23 of the Section, and by inserting in lieu thereof the following sentence: "It shall be unlawful at any time to buy, or sell, rabbits or squirrels for the purpose of resale."

G. S. 113-104, manner of taking game, amended.

SEC. 3. (a) G. S. 113-104 is hereby further amended by inserting the words "at any time" immediately following the word "taken" and immediately preceding the word "from" in line 35.

(b) G. S. 113-104 is hereby further amended by striking out the semicolon immediately following the words "sail boat" and immediately preceding the word "nor" in line 38, and inserting the following words: "or, during the hours between sunset and sunrise, from any other floating device;".

(c) G. S. 113-104 is hereby further amended by inserting in line 42 a new sentence immediately following the word "thereto" and immediately preceding the words "A person," as follows:

"However, it shall be lawful to use an artificial light when hunting raccoons or opossum with dogs, or when hunting frogs."

SEC. 4. (a) G. S. 113-109 is hereby amended by inserting the following words immediately following the word "not" at the end of line 11, "less than ten dollars ($10.00) nor." G. S. 113-109, punishment for violation of Article, amended.

(b) G. S. 113-109 is hereby further amended by inserting immediately following the word "court" and immediately preceding the word *"provided"* in line 39 of said Section the following:

"The following Acts or circumstances shall constitute prima facie evidence of a violation of provisions of the preceding sentence: Prima facie evidence of violation of regulations for hunting deer.

"The flashing or display of any artificial light or device from any highway or public or private driveway so that the beam thereof is visible for a distance of as much as 50 feet from such highway or public or private driveway, or such flashing or display of such artificial light or device at any place off such highway or driveway when such acts or circumstances are accompanied by the possession of firearms or bow and arrow during the hours between sunset and sunrise. Further, the use of possession of any artificial light or device under circumstances heretofore set forth in this Act, except as authorized herein for the hunting of raccoons, opossums or frogs, shall constitute prima facie evidence of a violation of this Act."

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 6. This Act shall become effective July 1, 1949. Effective date.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 623 **CHAPTER 1206**

AN ACT TO PROVIDE ADDITIONAL FACILITIES IN THE CARE OF PERSONS ADDICTED TO THE USE OF ALCOHOL AND TO IMPOSE AN ADDITIONAL STATE TAX OF ONE-HALF OF ONE PERCENTUM ON THE RETAIL SALE OF ALL INTOXICATING BEVERAGES.

WHEREAS, the problem of alcoholism has been increasingly serious in its prevalence and in its unfortunate effects on persons so addicted, on their families and on the community; and Preamble: Problem of alcoholism.

WHEREAS, treatment and care for alcoholic persons desirous of help in the early stages, and in a setting conducive to retention of morale will bring the best results in improved health and avoidance of habituation: *Now, therefore,* Results from treatment and care of alcoholics.

The General Assembly of North Carolina do enact:

G. S. Ch. 122, amended.

G. S. 122-1.1, enacted.

Establishment of facilities for care and treatment of alcoholic persons.

Operation of facilities.

SECTION 1. Chapter 122 of the General Statutes is hereby amended by inserting therein a new Section, to be numbered 122-1.1, and to read as follows: "Authority to establish other mental health activities. The North Carolina Hospitals Board of Control shall be and hereby is empowered to set up on property now held or hereafter acquired mental health facilities for the care and treatment of persons suffering from alcoholism. It is authorized to establish rules and regulations for the admission, care, and treatment of such persons, and to determine costs, and to set rates for the maintenance of these persons. The North Carolina Hospitals Board of Control may itself operate such facilities directly, or in cooperation with the State Board of Alcoholic Control, or may delegate such operation. The State Board of Health and the State Department of Public Welfare shall act in an advisory capacity in the operation of these facilities."

The Alcoholic Rehabilitation Fund; uses.

SEC. 2. There is appropriated out of the general fund of the State of North Carolina to the North Carolina Hospitals Board of Control the sum of three hundred thousand dollars ($300,000.00) to be designated as "The Alcoholic Rehabilitation Fund" and to be used for permanent improvements, additions, renovations, maintenance, operation and employment of necessary personnel and for such other purposes as may be necessary to carry out the intent of this Act.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 642 **CHAPTER 1207**

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES AS THE SAME RELATES TO PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION OF SEMI-TRAILERS AND THE WEIGHT AND LOAD OF VEHICLES.

The General Assembly of North Carolina do enact:

SECTION 1. Insert a new Section in Chapter 20 of the General Statutes to read as follows:

G. S. Ch. 20, Motor Vehicle Act, amended.

SEC. 20-117.1. Equipment required on all semi-trailers operated by contract or franchise haulers.

G. S. 20-117.1, equipment required on semi-trailers operated by contract or franchise haulers, enacted.

"a. On every semi-trailer having a gross weight in excess of 3,000 pounds there shall be at least the following lighting devices and reflectors:

1. On the front, two amber clearance lamps, one at each side.
2. On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side.
3. On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

"b. Side-marker lamps may be combined with clearance lamps. Side-marker lamps may be in combination with clearance lamps and may use the same light source.

Combination of side-marker and clearance lamps.

"c. Clearance, side-marker and tail lamps shall when lighted be capable of being seen at a distance of 500 feet under normal atmospheric conditions during the time when lights are required.

Visibility of clearance lamps, etc.

"d. Stop lights shall be actuated by application of the service (foot) brakes and shall be capable of being seen and distinguished from a distance of 100 feet to the rear of the motor vehicle in normal daylight; but shall not project a glaring or dazzling light. The stop light may be incorporated with the tail lamp.

Stop lights.

"e. Every reflector mounted on a motor vehicle shall be of such size and characteristics as to be readily visible at night from all distances within 500 feet to 50 feet from the motor vehicle when directly in front of a normal headlight beam. Whether or not the rear reflectors are incorporated in tail lamps, they shall be located on the rear of the motor vehicle at opposite sides and shall also meet the requirements as to visibility as set forth in this paragraph.

Reflector.

"f. Rear-vision mirror. Every tractor shall be equipped with at least one rear-vision mirror, firmly attached to the motor

Rear-vision mirror.

vehicle and so located as to reflect to the driver a view of the highway to the rear.

Projection limits of fuel containers.

"g. Fuel container not to project. No part of any fuel tank or container or intake pipe shall project beyond the sides of the motor vehicle.

Flag or light at end of load.

"h. Flag or light at end of load. Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load, in such position as to be clearly visible at all times from the rear of such load, a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle."

G. S. 20-118, weight of vehicles and load, re-written.

SEC. 2. Rewrite Section 20-118 of the General Statutes to read as follows:

Gross weight limits.

"20-118. Weight of vehicles and load. No vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

Tire load.

"(a) When the wheel is equipped with high-pressure pneumatic, solid rubber or cushion tire, eight thousand pounds.

"(b) When the wheel is equipped with low-pressure pneumatic tire, nine thousand pounds.

Axle load.

"(c) The gross weight on any one axle of the vehicle when the wheels attached to said axle are equipped with high-pressure solid rubber or cushion tires, sixteen thousand pounds.

"(d) When the wheels attached to said axle are equipped with low-pressure pneumatic tires, eighteen thousand pounds.

Axle load defined.

"(e) For the purposes of this Section an axle load shall be defined as the total load on all wheels whose centers are included within two parallel transverse vertical planes not more than forty-eight inches apart.

Low-pressure pneumatic tire.

High-pressure pneumatic tire.

"(f) For the purposes of this Section every pneumatic tire designed for use and used when inflated with air to less than one hundred pounds pressure shall be deemed a low-pressure pneumatic tire, and every pneumatic tire inflated to one hundred pounds pressure or more shall be deemed a high-pressure pneumatic tire.

Maximum weight of vehicle having two axles.

"(g) The gross weight of any vehicle having two axles shall not exceed thirty thousand pounds, unless used in connection with a combination consisting of four axles or more. For the purpose of determining the maximum weight to be allowed for

passenger busses to be operated upon the highways of this State, the Commissioner of Motor Vehicles shall require, prior to the issuance of license, a certificate showing the weight of such bus when fully equipped for the road; and no such bus shall be licensed except those heretofore in use in this State if the weight fully equipped shall exceed twenty-two thousand, five hundred (22,500) pounds; and no special permit shall be issued for any bus in excess of the limits herein specified.

Determination of maximum weight of passenger busses.

"(h) The gross weight of any vehicle or combination of vehicles having three axles shall not exceed forty-four thousand pounds. For the purpose of determining gross weight, no axle shall be considered unless the wheels thereof are equipped with adequate brakes.

Maximum weight of vehicle having three axles.

"(i) The gross weight of any vehicle or combination of vehicles having four or more axles shall not exceed fifty-six thousand pounds. For the purpose of determining gross weight, no axle shall be considered unless the wheels thereof are equipped with adequate brakes.

Maximum weight of vehicle or combination having four or more axles.

"(j) The gross weight with normal load of passengers of any vehicle propelled by electric power obtained from trolley wires, but not operated upon rails, commonly known as an electric trackless trolley coach, which is operated as a part of the general trackless trolley system of passenger transportation of the City of Greensboro and vicinity, shall not exceed thirty thousand pounds.

Maximum weight of electric trackless trolley coach.

"(k) No vehicle shall be operated on any highway the weight of which, resting on the surface of such highway, exceeds six hundred pounds upon any inch of tire roller or other support.

Weight per inch of tire.

"(l) *Provided, however,* that no vehicle or combination of vehicles which has an axle load in excess of eighteen thousand (18,000) pounds shall be allowed on any highway or portion of highway that has not been designated by the State Highway and Public Works Commission as a Heavy Duty Highway."

Restriction of vehicle or combination with axle load in excess of 18,000 pounds.

"Any vehicle or combination of vehicles may exceed the weight limitations hereinbefore set out by not more than five (5%) per centum. Vehicles or combinations of vehicles having a gross weight in excess of forty thousand (40,000) pounds shall not be licensed or allowed to use the highways of the State, unless the engine furnishing the motive power of such vehicle or combinations of vehicles shall have a piston displacement of three hundred (300) cubic inches, or more. Vehicles or combinations of vehicles having a gross weight in excess of fifty thousand (50,000) pounds shall not be licensed or allowed to use the highways of the State, unless the engine furnishing the motive power of such vehicles or combinations of vehicles shall have a piston displacement of three hundred fifty (350) cubic inches, or more."

Allowable excess in weight.

Minimum piston displacement of heavy vehicles.

G. S. 20-118.1, amended as to removal of excess load.

SEC. 3. Amend Section 20-118.1 of the General Statutes by adding at the end thereof the following:

"All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator."

G. S. 20-152, following too closely, rewritten.

SEC. 4. Rewrite Section 20-152 of the General Statutes to read as follows:

Motor vehicles.

"SEC. 20-152. Following too closely. (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, with regard for the safety of others and due regard to the speed of such vehicles and the traffic upon and condition of the highway.

Motor trucks.

"(b) The driver of any motor truck, when traveling upon a highway outside of a business or residence district, shall not follow another motor truck within three hundred feet, but this shall not be construed to prevent one motor truck overtaking and passing another."

G. S. 20-96, overloading, amended.

SEC. 4½. "Amend G. S. 20-96 by striking out the word and figure 'three (3)' in lines 21 and 22, and inserting in lieu thereof the word and figure 'ten (10)'".

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 729 CHAPTER 1208

AN ACT TO AMEND SECTION 153-9, SUBSECTION 17 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE FOR THE CLOSING OF STREETS LYING OUTSIDE MUNICIPALITIES BY THE BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

G. S. 153-9, powers of boards of county commissioners, amended.

SECTION 1. That Section 153-9, Subsection 17, of the General Statutes of North Carolina be and the same is hereby amended by adding the following words at the conclusion of said Subsection: The boards of commissioners of the several counties likewise have power to close any street or road or portion thereof (except those lying within the limits of municipalities) that is now or may hereafter be opened or dedicated, either by recording of a subdivision plat or otherwise. Any individuals owning property adjoining said street or road who do not join in the request for the closing of said street or road shall be notified by registered letter of the time and place of the meeting of the commissioners at which the closing of said street or road is to be

Power to close street or road lying outside municipalities.

Notice of adjoining owners.

acted upon. Notice of said meeting shall likewise be published once a week for four weeks in some newspaper published in the county, or if no newspaper is so published, by posting a notice for thirty days at the courthouse door and three other public places in the county. No further notice shall be necessary: *Provided,* that if the street or road has previously been accepted by the State Highway & Public Works Commission for maintenance, the State Highway & Public Works Commission shall be likewise notified of said meeting by registered letter. If it appears to the satisfaction of the commissioners that the closing of said road is not contrary to the public interest and that no individual owning property in the vicinity of said street or road or in the subdivision in which is located said street or road will thereby be deprived of reasonable means of ingress and egress to his property, the board of commissioners may order the closing of said street or road; *provided,* that any person aggrieved may appeal within thirty days from the order of the commissioners to the Superior Court of the county, where the same shall be heard de novo. Upon such an appeal, the Superior Court shall have full jurisdiction to try said matter upon the issues arising and to order said street or road closed upon proper findings of fact by the jury. A certified copy of said order of the commissioners (or of the judgment of the Superior Court in the event of an appeal) shall be filed in the office of the register of deeds of said county. Upon the closing of a street or road in accordance with the provisions hereof, all right, title and interest in such portion of such street or road shall be conclusively presumed to be vested in those persons, firms or corporations owning lots or parcels of land adjacent to such portion of such street or road, and the title of each of such persons, firms or corporations shall, for the width of the abutting land owned by such persons, firms or corporations, extend to the center of such street or road.

Publication of notice.

Order for closing.

Right of appeal.

Jurisdiction of Superior Court.

Filing of order of commissioners or judgment of court.

Title to closed street or road vested in adjoining land owners.

SEC. 2. The board of aldermen or other governing body of any municipality shall have the same power and authority with respect to roads, streets or other public ways which are inside the corporate limits of such municipality as given to the county commissioners by Section 1 with respect to roads, streets or public ways outside the corporate limits of a municipality.

Power of governing body of municipality to close streets, etc., within corporate limits.

SEC. 3. Copies of the registered letters giving the notice required by Section 1, and the return receipts or other good and sufficient evidence of giving the required notice, shall be recorded in the register of deeds office, together with the resolution of such county or municipal governing body (or with the judgment of the Superior Court, in cases where an appeal was taken).

Recordation of required notices, resolutions, etc.

SEC. 4. This Act shall not apply to pending litigation.

Pending litigation unaffected.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 769 CHAPTER 1209

AN ACT TO AMEND G. S. 20-276 RELATING TO THE ASSIGNMENT OF RISKS UNDER THE MOTOR VEHICLE SAFETY AND FINANCIAL RESPONSIBILITY ACT.

The General Assembly of North Carolina do enact:

G. S. 20-276, Motor Vehicle Safety and Responsibility Act, amended.

SECTION 1. The fifth paragraph of G. S. 20-276, as it appears in the 1947 Supplement to the General Statutes of North Carolina, is amended by adding at the end thereof the following:

Assignment of risks by Commissioner of Insurance.

"In each instance where application is made to the Commissioner of Insurance to have a risk assigned to an insurance carrier, it shall be deemed that the applicant has been denied the issuance of a liability insurance policy, and the Commissioner of Insurance shall, upon receipt of such application, which shall have attached thereto a statement from the Motor Vehicles Department that the suspension of the applicants' license will be no longer in effect after the date noted therein, immediately assign the risk to an insurance carrier which carrier shall be required, as a prerequisite to the further engaging in selling motor vehicle liability insurance in this State, to issue a motor vehicle liability policy which will meet at least the minimum requirements for establishing financial responsibility, as provided for in this Article."

Issuance of policy by insurance carrier, as prerequisite to further sales.

Power of Commissioner of Insurance to deny applications and approve revocations.

SEC. 2. The power granted the Commissioner of Insurance under the provisions of this Act to deny, directly or indirectly, insurance to any person applying for insurance hereunder, shall be restricted to persons whose license has been suspended and continues to be suspended by the Department of Motor Vehicles under authority of G. S. 20-16 as amended or otherwise and the power of the Commissioner of Insurance to approve the revocation or cancellation of insurance under the provisions of this Act shall be exercised only when the Department of Motor Vehicles suspends the license of the insured under the authority granted to it under the Motor Vehicles Act.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 779 CHAPTER 1210

AN ACT AUTHORIZING THE GENERAL ASSEMBLY OF NORTH CAROLINA TO AWARD A BONUS OF THREE DOLLARS PER DAY FOR THE DURATION OF THE 1949 ASSEMBLY TO THE SEVEN YOUNG LADIES IN THE ATTORNEY GENERAL'S OFFICE.

Preamble: Service by certain employees, Attorney General's office to General Assembly.

WHEREAS, seven young ladies in the Attorney General's office have been working unceasingly and uncomplainingly copying bills for the General Assembly of North Carolina; and

WHEREAS, this work has been above and beyond their line of duty: *Now, therefore,*

The General Assembly of North Carolina do enact:

Payment of bonus authorized.

SECTION 1. The Treasurer of North Carolina is hereby authorized and directed to pay out of appropriations made for expenses of the General Assembly to: Miss Lilliam Turner, Miss Elizabeth Kelly, Miss Elizabeth Flournoy, Miss Nancy Upchurch and Mrs. T. P. Norwood, regular employees of the Attorney General's office, and Mrs. H. C. Jackson and Mrs. Millicent S. Kincade, regular employees in the office of the Assistant Attorneys General assigned to the Department of Revenue, the sum of one dollar ($1.00) per day for each day that the 1949 Session of the General Assembly of North Carolina has and will remain in session.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 835 CHAPTER 1211

AN ACT TO ESTABLISH A COMMISSION FOR THE STUDY OF PROBLEMS RELATING TO THE CARE OF THE AGED AND THE INTELLECTUALLY OR PHYSICALLY HANDICAPPED.

Preamble: Establishment of State Hospitals for care of mentally disordered.

WHEREAS, the State of North Carolina has provided for the residential care of the mentally disordered by the establishment of State Hospitals; and

Facilities established for care of feebleminded children.

WHEREAS, the State of North Carolina has established the Caswell Training School for the care and training of white feebleminded children and has authorized similar facilities for negro feebleminded children at Goldsboro; and

Need for care of aged.

WHEREAS, due to improved living conditions and medical care, many persons are living longer than in years past and become in need of some care during their declining years; and

Closing of number of county homes.

WHEREAS, during the past few years a number of counties in the State have closed county homes, and made application for care in State Institutions of some of the former residents; and

Applications to State Hospitals for admission of aged.

WHEREAS, the State Hospitals have been receiving many applications for the admission of elderly persons, some of whom could be cared for in a nursing home or properly operated county institution, despite some mental enfeeblement; and

Excessive number of applications to Caswell Training School.

WHEREAS, the Caswell Training School has for years had more applications for the admission of feebleminded than could be admitted in the space available, and many of these feebleminded were not teachable or trainable; and

Expected increase in requests.

WHEREAS, the number of persons for whom care in an institution is requested will certainly increase beyond the present high level; and

Desire for clarification of responsibilities of State and counties.

WHEREAS, the General Assembly recognizes that some clarification of the responsibilities of the State and of the counties would be highly desirable, and that some planning should be begun for the working out of the care of this large group, and that this should be thoroughly studied; *therefore, now,*

The General Assembly of North Carolina do enact:

Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped.

SECTION 1. A commission is hereby established for the study of the problems relating to the care of the aged with especial reference to those failing mentally and the intellectually or physically handicapped of all ages and this commission shall be known as "The Commission for the Study of Problems of Care of the Aged and Intellectually or Physically Handicapped."

Membership.

SEC. 2. The commission shall consist of one member from the North Carolina Hospitals Board of Control, one member from the State Board of Health, one member from the State Board of Public Welfare, one member from the boards of county commissioners, one County Superintendent of Public Welfare, one County Health Officer, one Clerk of the Superior Court.

Appointment and removal of members.

SEC. 3. The Governor shall appoint the members of this commission, and may remove any member; he shall not be required to give any reason for the removal of any member.

Duties of commission.

SEC. 4. This commission shall study the problems relating to the care of the aged with especial reference to those failing mentally and shall inquire into the methods of meeting and handling this problem in other states. It shall make a similar study of the problem of the care of the feebleminded, with especial attention to the custodial care of intellectually handicapped persons not teachable or trainable. It shall make a study

of the problems relating to the care of the physically handicapped with a special reference to those whose physical handicap renders them incapable of self-support and shall inquire into the methods of meeting and handling this problem in other states.

It shall make recommendations to the Governor offering plans for dealing with the problem of the care needed for this group, and means of clarification of the responsibility of the State and respective counties. Recommendations.

SEC. 5. The members of the commission shall receive for each day in actual performance of duties under this Act, per diem of seven dollars ($7.00), and necessary travel and subsistence expenses, to be paid out of the Contingency and Emergency Fund. Compensation.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect upon and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 910 CHAPTER 1212

AN ACT VALIDATING CERTAIN CONVEYANCES OF FOREIGN DISSOLVED CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. In all cases when, prior to the first day of January, 1947, any dissolved foreign corporation has, prior to its dissolution, by deed of conveyance purported to convey real property in this State, and said instrument recites a consideration, is signed by the proper officers in the name of said corporation, sealed with the corporate seal and duly registered in the office of the register of deeds of the county where the land described in said instrument is located, but there is error in the attestation clause and acknowledgement in failing to identify the officers signing said deed and to recite that authority was duly given and that the same was the act of said corporation, said deed shall be construed to be a deed of the same force and effect as if said attestation clause and acknowledgement were in every way proper. Certain conveyances of foreign dissolved corporations validated.

SEC. 2. *Provided* that nothing herein contained shall affect pending litigation. Pending litigation unaffected.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 913 CHAPTER 1213

AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS BY MUNICIPALITIES TO FINANCE SEWER SYSTEMS, INCLUDING SEWAGE DISPOSAL PLANTS, AND TO CHARGE AND COLLECT SEWER SERVICE CHARGES.

The General Assembly of North Carolina do enact:

Issuance of bonds by municipality for purpose of financing sewage disposal system.

SECTION 1. Subject to the provisions of the Municipal Finance Act, 1921, as amended, but notwithstanding any limitation on indebtedness contained therein or in any other law, any municipality may issue its negotiable bonds for the purpose of paying the cost of acquiring, constructing, extending, enlarging or improving a system for the collection, treatment and disposal of sewage (hereinafter sometimes called the "sewage disposal system"), either within or without or partly within and partly without the municipality, and to pledge to the payment of such bonds the revenues of the sewage disposal system as hereinafter provided.

Additional powers of municipality.

SEC. 2. In addition to any powers which it may now have under the provisions of any law, a municipality shall have the following powers;

Fix and collect fees for services and facilities of sewage disposal system.

(a) to fix and collect rates, fees and charges for the services and facilities furnished by a sewage disposal system and to fix and collect charges for making connections with the sewer system of such municipality;

Acquire real and personal property necessary for system.

(b) to acquire in the name of the municipality, either by purchase or the exercise of the right of eminent domain, such lands and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property, as it may deem necessary in connection with the construction, extension, enlargement, improvement or operation of a sewage disposal system;

Construct and operate trunk, intercepting or outlet sewers, etc.

(c) to construct and operate trunk, intercepting or outlet sewers, sewer mains, laterals, conduits or pipe lines in, along or under any streets, alleys, highways or other public ways;

Contracts relating to treatment or disposal of sewage.

(d) to enter into contracts with the government of the United States or any agency or instrumentality thereof, or with any other municipality, sanitary district, private corporation, copartnership, association or individual providing for or relating to the treatment or disposal of sewage;

(e) to accept from any Federal agency loans or grants for the planning, acquisition, extension, enlargement, improvement or lease of a sewer system and to enter into agreements with such agency respecting such loans and grants. Accept Federal loans or grants.

SEC. 3. Before any municipality may issue bonds under the authority of this Act, it shall fix the initial schedule of rates, fees and charges for the use of and for the services and facilities furnished or to be furnished by the sewage disposal system, to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with or use the sewer system of such municipality, and revise such schedule of rates, fees and charges from time to time, so that such rates, fees and charges shall be sufficient at all times to pay the principal of and the interest on the bonds as the same shall become due and to provide reserves therefor. Determination of schedule of rate, fees, etc., for services and facilities of sewage disposal system. Revision of schedule.

SEC. 4. The municipality shall charge and collect the rates, fees and charges fixed or revised pursuant to the authority of this Act, and such rates, fees and charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the municipality or of the State or of any sanitary district or other political subdivision of the State. Authority to charge and collect rates, fees, etc.

Such rates, fees and charges shall be just and equitable, and may be based or computed either upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system or upon the number or average number of persons residing or working in or otherwise connected with such premises or upon the type or character of such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors. Basis of computation of rates, fees, etc.

Charges for services to premises, including services to manufacturing and industrial plants, obtaining all or a part of their water supply from sources other than the municipality's water system may be determined by gauging or metering or in any other manner approved by the municipality.

In cases where the character of the sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon any sewer system, an additional charge may be made therefor, or the municipality may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the municipality before discharging such sewage into any sewer lines owned or maintained by the municipality. Additional charge for cause.

SEC. 5. The municipality may provide in the ordinance or resolution authorizing the issuance of bonds under the provisions of this Act that the charges for the services and facilities furnished Resolution for including charges as part of water bill.

by any sewer system or sewer improvements constructed by the municipality under the provisions of this Act shall be included in bills rendered for water consumed on the premises (but such charges shall be stated separately from the water charges) and that if the amount of such charges so included shall not be paid within thirty days from the rendition of any such bills, the municipality may discontinue furnishing water to such premises and may disconnect the same from the waterworks system of the municipality.

Water disconnected upon failure to pay charges.

Revenues pledged to bond retirement.

SEC. 6. The revenues derived from any sewer system for which bonds shall be issued under the provisions of this Act shall be pledged to the payment of the principal of and the interest on such bonds and a sufficient amount to pay such principal and interest and to provide reserves therefor shall be set aside and devoted to such purposes.

Powers herein granted declared supplemental.

SEC. 7. The powers granted by this Act shall be supplemental and additional to powers conferred by any other law, and shall not be regarded as in derogation of any powers now existing.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 940 CHAPTER 1214

AN ACT TO AMEND CHAPTER 559 OF THE PUBLIC-LOCAL LAWS OF 1935, RELATING TO SCHOOL BUILDING BONDS IN BEHALF OF SCHOOL DISTRICTS AND SPECIAL BOND TAX UNITS, IN ORDER TO HARMONIZE SAID CHAPTER WITH THE PROVISIONS OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 559, Public-Local Laws, 1935, relating to issuance of school building bonds, amended.

SECTION 1. That Section 6 of Chapter 559 of the Public-Local Laws of 1935 entitled "An Act to Authorize the Issuance of School Building Bonds in Behalf of School Districts and Special Bond Tax Units and the Levy of Taxes within such Districts and Units for the Payment of the Principal and Interest of such Bonds", shall be and the same is hereby amended by inserting the words "who shall vote on the question at such election" after the words "If a majority of the qualified voters of such district or such unit".

Determination of results of elections, by majority of those voting.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 957 **CHAPTER 1215**

AN ACT TO AMEND SECTION 136-67 OF THE GENERAL STATUTES RELATING TO COUNTY ROADS NOT INCLUDED IN THE STATE HIGHWAY SYSTEM.

The General Assembly of North Carolina do enact:

G. S. 136-67, relating to roads and highways, amended.

SECTION 1. Amend G. S. 136-67 by rewriting said Section to read as follows:

Neighborhood public roads; definition.

"§ 136-67. Neighborhood public roads. All those portions of the public road system of the State which have not been taken over and placed under maintenance or which have been abandoned by the State Highway and Public Works Commission, but which remain open and in general use as a necessary means of ingress to and egress from the dwelling house of one or more families, and all those roads that have been laid out, constructed, or reconstructed with unemployment relief funds under the supervision of the Department of Public Welfare, and all other roads or streets or portions of roads or streets whatsoever outside of the boundaries of any incorporated city or town in the State which serve a public use and as a means of ingress or egress for one or more families, regardless of whether the same have ever been a portion of any State or county road system, are hereby declared to be neighborhood public roads and they shall be subject to all of the provisions of Sections 136-68, 136-69 and 136-70 with respect to the alteration, extension, or discontinuance thereof, and any interested party is authorized to institute such proceeding, and in lieu of personal service with respect to this class of roads, notice by publication once a week in any newspaper published in said county, or in the event there is no such newspaper, by posting at the courthouse door and three other public places, shall be deemed sufficient: *Provided,* that this definition of neighborhood public roads shall not be construed to embrace any street, road or driveway that serves an essentially private use, and all those portions and segments of old roads, formerly a part of the public road system, which have not been taken over and placed under maintenance and which have been abandoned by the State Highway and Public Works Commission and which do not serve as a necessary means of ingress to and egress from an occupied dwelling house are hereby specifically excluded from the definition of neighborhood public roads, and the owner of the land, burdened with such portions and segments of such old road, is hereby invested with the easement of right of way for such old roads heretofore existing.

Proceedings to alter, extend or discontinue such roads.

Roadways included in definition of neighborhood public roads.

Assistance by State Highway and Public Works Commission.

"Upon request of the board of county commissioners of any county, the State Highway and Public Works Commission is permitted, but is not required, to place such neighborhood public roads as above defined in a passable condition without incorporating the same into the State or county system, and without

becoming obligated in any manner for the permanent maintenance thereof.

Reopening of railroad grade crossing closed by Highway and Public Works Commission, not authorized.

"This Section shall not authorize the reopening on abandoned roads of any railroad grade crossing that has been closed by order of the State Highway and Public Works Commission in connection with the building of an overhead bridge or underpass to take the place of such grade crossing."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 971 CHAPTER 1216

AN ACT TO AMEND CHAPTER 156 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE FOR THE MORE ADEQUATE MAINTENANCE OF THE CANALS OF DRAINAGE DISTRICTS.

The General Assembly of North Carolina do enact:

G. S. Ch. 156, drainage districts, amended.

SECTION 1. Chapter 156 of the General Statutes of North Carolina is hereby amended by adding a new Article thereto, to be designated as Article 7-A, and reading as follows:

Art. 7-A, Maintenance, enacted.

"Art. 7-A—Maintenance.

G. S. 156-93-1. Levy of annual maintenance assessments.

"SEC. 156-93.1.

Amount of assessments; approval by Clerk Superior Court.

"(1) The Board of Drainage Commissioners may annually levy maintenance assessments in the same ratio as the existing classification of the lands within the district. The amount of these assessments shall be determined by the board of commissioners and shall not exceed an average of one dollar ($1.00) per acre per year and the amount of these assessments shall be approved by the Clerk of the Superior Court prior to their annual levy. The proceeds of these assessments shall be used for the purpose of maintaining canals of the drainage district in an efficient operating condition and for the necessary operating expenses of the district as approved by the Clerk of the Superior Court.

Use of proceeds of assessments.

Employment of engineering assistance, etc.

"The Board of Drainage Commissioners shall have the authority to employ engineering assistance, construction equipment, superintendents and operators for the equipment necessary for the efficient maintenance of the canals, or the maintenance may

be done by private contract made after due advertisement as required for the original construction work.

Coordination of maintenance operations by districts.

"(2) The Board of Drainage Commissioners of a drainage district may join with the commissioners of one or more districts for the purpose of employing engineering assistance, equipment, superintendents and equipment operators for the maintenance of the canals in the several districts desiring to coordinate their maintenance operations and the drainage districts desiring to coordinate a common maintenance force may have a common office with the necessary employees for the furtherance of the joint operations for maintenance. The districts may coordinate their work without regard to county lines.

Purchase, lease, etc., of equipment for construction or maintenance of canals.

"(3) The Board of Commissioners of a drainage district may, individually or jointly with the commissioners of other drainage districts, purchase, lease, rent, sell, or otherwise dispose of at public or private sale, equipment for the original construction or maintenance of the canals in the individual or joint districts or the said drainage districts may make contracts with private construction firms for the maintenance and construction of their canals. Contracts made with private construction companies are to be advertised as provided for the contract for the original construction of the canals.

Contracts with private firm for maintenance and construction of canals.

Use of equipment owned by districts.

"The drainage districts may use the equipment owned by them for the purpose of maintenance of the canals and the construction of extensions to the system of canals in the individual or several drainage districts.

Joint board of districts consolidating services.

"(4) The drainage districts desiring to consolidate their maintenance services and equipment may set up a board composed of one member from each district for the purpose of control and use of the personnel and equipment employed on a joint basis, and in all matters coming before the joint board, the representative of each district shall have a voting strength equal to the proportionate acreage of his drainage district as compared with the total acreage of the combined districts.

Collection of annual maintenance assessments.

Notice of assessment on tax statement.

"(5) The collection of the annual maintenance assessments shall be made by the county tax collector. The board of county commissioners of the county in which a drainage district is located shall upon the request of the Board of Drainage Commissioners of the said district cause to be shown on the tax statement or notice issued by the county to its taxpayers the amount due the drainage district by the land owners in the same manner as other special assessments are shown thereon. This amount shall be collected by the county tax collector in the same manner as county taxes and deposited to the credit of the district in which the land is located."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1069 CHAPTER 1217

AN ACT TO REWRITE G. S. 14-269, RELATING TO THE CARRYING OF CONCEALED WEAPONS.

The General Assembly of North Carolina do enact:

G. S. 14-269, relating to carrying concealed weapons, rewritten.

SECTION 1. Section 14-269 of the General Statutes is hereby rewritten to read as follows:

"SEC. 14-269. Carrying concealed weapons. If anyone, except when on his own premises, shall wilfully and intentionally carry concealed about his person any bowie knife, dirk, dagger, slung shot, loaded cane, brass, iron or metallic knuckles, razor, pistol, gun or other deadly weapon of like kind, he shall be guilty of a misdemeanor and shall be fined or imprisoned at the discretion of the court. Upon conviction or submission, the deadly weapon with reference to which the defendant shall have been convicted shall be ordered disposed of by the presiding judge at the trial in one of the following ways:

Offense made misdemeanor.

Disposal of weapon upon conviction.

Return of weapon to rightful owner other than defendant.

(a) If the deadly weapon with reference to which the defendant shall have been convicted is a pistol or gun, and the rightful owner of the same is a person other than the defendant, such rightful owner may, at the time of defendant's conviction or submission, file a petition with the judge presiding at the trial for the recovery of such weapon and the same shall be returned to said owner upon a finding by the court (1) that he is now entitled to possession of same, and (2) that he was unlawfully deprived of possession without his consent or acquiescence.

Knife, dagger, etc., to be destroyed.

Confiscation of pistols or guns.

Sale by Clerk of Superior Court.

Disposition of proceeds of sale.

(b) If the deadly weapon with reference to which the defendant shall have been convicted is a bowie knife, dirk, dagger, slung shot, loaded cane, brass, iron or metallic knuckles, razor or weapon of like kind, the same shall be destroyed. However, pistols or guns may be confiscated and ordered turned over to the Clerk of the Superior Court of the county in which the trial is held by the judge presiding at the trial. Under the direction of said Clerk of the Superior Court the weapon shall be sold after one advertisement is a newspaper having a general circulation in the county, at public auction, which shall be held at least once a year. The proceeds of the sale of the weapon or weapons shall go to the general fund of the county in which the weapon or weapons were confiscated and sold. The Clerk of the Superior

Court shall keep a record and inventory of all weapons received by him and sold under his direction *provided, however*, that in any case the presiding judge may, if the facts so justify, order any pistol or gun returned to the defendant.

Record of clerk as to weapons received and sold.

"This Section shall not apply to the following persons: Officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties."

Persons exempt from application of section.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1071 CHAPTER 1218

AN ACT AUTHORIZING THE ESTABLISHING OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF MOORESVILLE UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of the Town of Mooresville shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not town liquor control stores may be operated in the Town of Mooresville and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of town liquor control stores, no such stores shall be set up or operated in said town under provision of this Act.

Town of Mooresville, election on question of operation of liquor control stores.

Effect of election results.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them

Notice of election.

Registration.

to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election.

Form of ballot.

In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Stores," "Against Town Liquor Control Stores." Those favoring setting up and operating liquor stores in the town of Mooresville shall mark in the voting square to the left of the words "For Town Liquor Control Stores" printed on the ballot, and those opposed to town liquor control stores shall mark in the voting square to the left of the words "Against Town Liquor Control Stores." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for the Mayor of the Town of Mooresville. The cost of said election shall be paid from the General Fund of the town of Mooresville.

Conduct of election.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores," the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Mooresville in force and effect prior to the authorization to operate town liquor stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores." No election shall be called and held in the town of Mooresville under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Mooresville to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Mooresville general election or primary election, or within thirty (30) days of any such election.

Disposition of property.

Application of laws relating to sale of intoxicating beverages.

Limitation on time between elections.

Time of special liquor election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Mooresville shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for

their character, ability, and business acumen. Said board shall be known and designated as "The Town of Mooresville Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Appointment of members; terms.

Successor and vacancy appointments.

SEC. 5. The said Town of Mooresville Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Mooresville Board of Alcoholic Control and the operation of any town liquor stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Mooresville Board of Alcoholic Control.

Powers and duties of Board.

Application of G. S. Ch. 18, Art. 3.

SEC. 6. Thirty-three and one-third per cent (33 1/3%) of the net proceeds derived from the operation of liquor control stores in the Town of Mooresville shall be used in the retirement of bonds and interest heretofore issued or which may hereafter be issued by the Town of Mooresville. If during any fiscal year there are no bonds outstanding or interest due, the said thirty-three and one-third per cent (33 1/3%) shall be turned over to the general fund of the town.

Portion of net proceeds from operation of stores used for retirement of bonds.

SEC. 7. After complying with the requirements of Section 6, the net profits derived from the operation of liquor control stores in the Town of Mooresville shall be turned over to the town general fund and subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental purpose and/or for any one or more of the following purposes:

Allocation of remaining net profits.

A. Acquisition and improvement of lands for public parks, playgrounds and recreational centers and the maintenance and operation of same.

Public parks, playgrounds, etc.

B. To supplement the salaries of public school teachers teaching in the Mooresville Town Administrative Unit.

Operate higher standard of schools.

C. To operate the Town Administrative Unit schools at a higher standard than provided by county or State support, but for a term of not more than one hundred eighty (180) days.

Airports or landing fields.

D. Acquiring, constructing, improving, maintenance and operation of airports or landing fields for the use of airplanes or aircraft.

Public hospitals.

E. Acquisition of sites and construction, maintenance, and operation of public hospitals.

Public libraries, etc.

F. For the acquisition, maintenance, operation, enlargement and improvement of public libraries, public art museums, and armories.

Act inoperative if county election called within sixty days.

SEC. 7½. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on alcoholic beverage control stores, as now provided by law, within sixty days from the ratification of this Act.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect form and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1114 CHAPTER 1219

AN ACT TO APPROPRIATE TEN THOUSAND DOLLARS FOR THE PURPOSE OF CONTRIBUTING TO THE COST OF IMPROVING AND ENLARGING THE GUEST HOUSE AT THE VETERANS' HOSPITAL AT OTEEN, NORTH CAROLINA.

Preamble: Title to certain land and buildings near U. S. Veterans' Hospital at Oteen.

WHEREAS, the "American War Mothers", a charitable, patriotic and nonprofit organization, chartered by the Congress of the United States, has, through its North Carolina Chapter, acquired title to certain land and buildings located near the United States Veterans' Hospital at Oteen, North Carolina; and

Use of property as guest house for hospital visitors.

WHEREAS, this property is being used solely as a guest house for the convenience and temporary accommodation of visiting relatives and friends of sick or disabled veterans at Oteen Hospital, no other adequate accommodations being available; and

Operation on nonprofit basis.

WHEREAS, such guest house is and will continue to be operated strictly upon a nonprofit basis in the public interest and for the convenience and temporary accommodation of such visitors; and

WHEREAS, in order to continue to meet the urgent need of such a service it has become necessary for the North Carolina Chapter of the American War Mothers to improve and enlarge this guest house; and

Necessary to enlarge and improve guest house.

WHEREAS, although this property was acquired by the North Carolina Chapter of the American War Mothers with funds raised by that organization through chapter activities and individual contributions, this organization is without sufficient funds to finance the required improvement and enlargement of this guest house, and in view of the nonprofit, patriotic and public nature of the services rendered, this organization feels justified in appealing to the State for financial assistance in this respect and for the purposes hereinbefore set forth: *Now, therefore,*

American War Mothers without sufficient funds to finance improvements, etc.

Appeal for State financial assistance.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby appropriated out of State funds, the sum of ten thousand dollars ($10,000.00) for the sole purpose of contributing to the cost of improving and enlarging the guest house owned and operated by the North Carolina Chapter of the American War Mothers at the United States Veterans' Hospital at Oteen, North Carolina for the convenience and temporary accommodation of relatives, friends and the public generally while visiting patients at the Veterans' Hospital at Oteen.

State appropriation for contributing to cost of improving and enlarging guest house at Oteen.

SEC. 2. The expenditures and application of the State Appropriation authorized by this Act shall be made under the supervision and subject to the approval of the Budget Bureau of the State of North Carolina.

Supervision of expenditure and application of appropriation.

SEC. 3. Nothing contained in this Act shall be construed as placing the State of North Carolina under any liability or obligation in connection with the operation of said guest house, the appropriation authorized herein being for the sole purpose of contributing to the cost of improvement and enlargement of said guest house.

Construction of Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1123 **CHAPTER 1220**

AN ACT TO EXEMPT MACHINES DISPENSING MILK, MILK DRINKS, PRODUCTS OF THE DAIRY, AND FRUIT AND VEGETABLE JUICES FROM THE TAX LEVIED BY SECTION 105-65.1 OF THE GENERAL STATUTES AND TO EXEMPT STANDS SELLING SUCH DRINKS EXCLUSIVELY FROM THE TAX LEVIED IN SECTION 105-79 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

G. S. 105-65.1, Revenue Act, license tax on dispensing machine, amended to exempt dispensers of milk, dairy products, etc.

SECTION 1. Section 105-65.1 of the General Statutes, 1947 Cumulative Supplement, is hereby amended by adding at the end of said Section a new Subsection to be numbered Subsection (8) to read as follows:

"Neither the tax levied under Subsection (2) upon dispensors, nor the tax levied under Subsection (1) upon distributors or operators, shall apply to dispensers or vending machines which dispense only milk, milk drinks, products of the dairy, or pure uncarbonated fruit or vegetable juices."

G. S. 105-79, license tax on drink stands, etc., amended to exempt stands selling only milk, dairy products, etc.

SEC. 2. Section 105-79 of the General Statutes is hereby amended by changing the period at the end of line 15 following the parentheses in the figures "($5.00)" to a semicolon and adding immediately thereafter the following:

"*Provided*, that the tax herein levied shall not apply to stands which sell no drinks except milk, milk drinks, products of the dairy, or pure uncarbonated fruit or vegetable juices."

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after June 1, 1949.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1142 CHAPTER 1221

AN ACT TO AMEND SECTION 68-38 OF THE GENERAL STATUTES OF NORTH CAROLINA CONCERNING DEPREDATIONS OF DOMESTIC FOWLS IN CERTAIN COUNTIES, TO MAKE SAID SECTION APPLICABLE TO PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 68-38 of the General Statutes of North Carolina be, and the same is hereby, amended by inserting in the list of counties in said Section, after the word "Pasquotank" and before the word "Richmond", the word "Perquimans", it being the purpose of this Act to make said Section applicable to Perquimans County.

G. S. 68-38, depredations of domestic fowls, amended to apply to Perquimans County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1150 CHAPTER 1222

AN ACT TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO EXPEND SURPLUS FUNDS FOR THE ERECTION AND PURCHASE OF LIBRARY BUILDINGS AND EQUIPMENT.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 153-9 is hereby amended by adding at the end of said Section the following:

G. S. 153-9, powers of boards of county commissioners, amended to authorize expenditure of surplus funds for library purposes.

"41. Expenditure of Surplus Funds for Library Purposes—The board of county commissioners of any county is hereby authorized, in its discretion, to expend any surplus funds, which may be available, for the erection and/or purchase of library buildings and equipment."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1202 **CHAPTER 1223**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WAGRAM TO PROVIDE A TRAFFIC BUREAU TO HANDLE CERTAIN TRAFFIC VIOLATIONS WITHIN THE TOWN.

The General Assembly of North Carolina do enact:

Town of Wagram, Traffic Bureau authorized.

Violations under jurisdiction of Bureau.

SECTION 1. That the Board of Commissioners of the Town of Wagram may, by ordinance, provide a traffic bureau to accept a plea of guilty and to otherwise handle the following traffic violations within the town:

1. Parking over the allowed time in parking meter zones.
2. Parking over the allowed time in restricted areas.
3. Parking between twelve o'clock midnight to six A. M.
4. Parking more than twelve inches from the curb.
5. Parking within fifteen feet of a fire hydrant, or within prohibited zones.
6. Parking in a non-parking space.
7. Illegal use of loading zones, bus stops and taxi stands.
8. Parking trucks on prohibited streets.
9. Parking at entrance of alley or driveway.
10. Parking left side of curb.
11. Double parking.
12. Not displaying proper lights.
13. Making U turn on right turn.
14. Disregarding of stop signs.
15. Not displaying town license.
16. Obstructing traffic.
17. Violating speed limit.
18. Disregarding traffic lights.

Penalties for violations.

SEC. 2. Any person, firm or corporation receiving citations for the above offenses shall pay through the traffic bureau the following amounts as partial payment of the court costs for such violations:

Procedure before Bureau.

All offenses listed above, one dollar ($1.00), except violating speed limit and disregarding traffic lights. For violating speed limit or for disregarding traffic lights, the payment shall be five dollars ($5.00) for the first offense and ten dollars ($10.00) for the second offense. For the third offense in any twelve-month period, warrant shall be issued.

Trial of violators who fail to enter plea of guilty before Bureau.

SEC. 3. Any person, firm or corporation cited by the police officers of the Town of Wagram to appear before such traffic bureau may submit thereto a plea of guilty to such traffic violation or violations and tender the sum or sums provided for in Section

2 of this Act as a partial payment of court costs for such violation or violations: *Provided,* that such traffic bureau shall not accept a plea of guilty to violation of speed limit or disregarding traffic lights more than two times in any twelve-month period. In the event such person, firm or corporation so cited shall be unwilling to submit a plea of guilty to such traffic violation or violations shown in the citation, thereupon a warrant shall be duly issued by the Police Department of the Town of Wagram and the person so charged with such violation shall be tried upon such warrant in the Scotland County Criminal Court or the Mayor's court of the Town of Wagram.

Payment of State tax.

SEC. 4. No State tax shall be paid to the State of North Carolina in such cases except where a warrant is issued and the case is tried in the courts referred to in Section 3 of this Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1218 CHAPTER 1224

AN ACT TO AMEND G. S. 47-41 AND G. S. 55-43 RELATING TO THE PROBATE OF CERTAIN CONVEYANCES OF PERSONAL PROPERTY BY CORPORATIONS.

The General Assembly of North Carolina do enact:

G. S. 47-41, probate for corporate conveyances, amended.

SECTION 1. G. S. 47-41 is hereby amended by adding at the end of said Section the following:

Form of probate for contracts for purchase of personal property.

"The following forms of probate for contracts in writing for the purchase of personal property by corporations providing for a lien on the property or the retention of a title thereto by the vendor as security for the purchase price or any part thereof, or chattel mortgages, chattel deeds of trust and conditional sales of personal property executed by a corporation shall be deemed sufficient but shall not exclude other forms of probate which would be deemed sufficient in law.

"NORTH CAROLINA

_____COUNTY

I, _____, do hereby certify that

_____, personally came

(name of president, secretary or treasurer)

before me this day and acknowledged that he is

_____of
(president, secretary or treasurer)
_____and acknowledged,
(name of corporation)
on behalf of_____,
(name of corporation)
the grantor, the due execution of the foregoing instrument.

Witness my hand and official seal, this _____ day of _____, 19_____.

(Official Seal)

_____
(Title of Officer)"

"NORTH CAROLINA

_____COUNTY

The due execution of the foregoing instrument by _____, the grantor therein named, for the purposes therein expressed, was this day duly proven before me by the oath and examination of _____, the subscribing witness thereto.

Witness my hand and official seal, this _____ day of _____, 19_____.

(Official Seal)

_____
(Title of Officer)"

G. S. 55-43, amended.

SEC. 2. G. S. 55-43 is hereby amended to read as follows:

Conditional sale contracts.

"SECTION 55-43. Conditional sale contracts. Contracts, in writing, for the purchase of personal property by corporations, providing for a lien on the property or the retention of title thereto by the vendor as a security for the purchase price, or any part thereof, or chattel mortgages, chattel deeds of trust and conditional sales of personal property, are sufficiently executed if signed in the name of the corporation by the president, secretary or treasurer in his official capacity, and may be acknowledged and ordered to registration as is now provided by law for the execution, acknowledgement and registration of deeds by natural persons."

Execution.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1228 CHAPTER 1225

AN ACT TO AMEND G. S. 127-12 RELATING TO THE RANK AND QUALIFICATIONS OF THE ADJUTANT GENERAL OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 127-12 is rewritten to read as follows: G. S. 127-12, amended.

"G. S. 127-12. The Governor shall appoint an Adjutant General, which appointment shall carry with it the rank of Major General. No person shall be appointed as Adjutant General who has had less than five years commissioned service in the National Guard, Naval Militia, Regular Army, United States Navy or Marine Corps, or Organized Reserve Corps of the United States. The Adjutant General, while holding such office, may be a member of the active National Guard or Naval Militia, or Organized Reserve Corps of the United States." Adjutant General, appointment, rank and qualifications.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1230 CHAPTER 1226

AN ACT TO AMEND CHAPTER 259 OF THE PUBLIC LAWS OF 1941 RELATING TO THE PREVENTION OF RABIES, SO AS TO MAKE ALL OF THE PROVISIONS OF SAID CHAPTER APPLICABLE TO NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 259 of the Public Laws of 1941 be amended by striking out the word "Nash" in Sections 7 and 8 thereof. Ch. 259, Public Laws, 1941, prevention of rabies, amended as to Nash County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1245 **CHAPTER 1227**

AN ACT TO AMEND CHAPTER 7 OF THE PRIVATE LAWS OF 1938, EXTRA SESSION, AS TO THE TAR RIVER PORT COMMISSION.

The General Assembly of North Carolina do enact:

Ch. 7, Public-Local Laws, Ex-Session, 1938, amended.

Pitt County and City of Greenville, amount of loans to Tar River Port Commission increased.

SECTION 1. That Section 3 of Chapter 7 of the Public-Local Laws of 1938, Extra Session, be and the same hereby is amended by striking out of said Section the words as follows: "not to exceed the sum of seven thousand five hundred dollars ($7,500.00) each" and substituting in lieu thereof the words: "such amount or amounts as either or both of said local governments, acting, together or separately, may in their discretion determine, not exceeding fifty thousand dollars ($50,000.00)."

Chapter further amended.

SEC. 2. Further amend said Chapter 7, as amended by Chapter 4, of the Public-Local Laws of 1939, Regular Session, by adding thereto an additional Section to be designated as Section 4½ and to read as follows:

Power of Commission to borrow money for purposes of port facilities.

"SEC. 4½. The Tar River Port Commission, with the approval of the County of Pitt and Town of Greenville, acting through their respective governing boards, shall be authorized to negotiate and borrow such sums of money from time to time as may be found desirable for the purpose of enlarging, acquiring, constructing or reconstructing port terminal facilities and the acquisition of necessary lands therefor and the construction of railroad sidings into and from said port facilities, and such other equipment and additions thereto as may be found desirable and to issue for such sums as may be borrowed the bonds or obligations of the said Tar River Port Commission bearing such rate of interest not exceeding six per cent (6%), as may be determined, and payable at such time or times as may be decided by the said commission.

Issuance of bonds or obligations of Commission.

Pledge of revenues, etc., as security for bonds or notes.

"As security for any such notes or bonds as may be issued by the Tar River Port Commission for any of said purposes, the said Port Commission shall have the authority by resolution or resolutions adopted by them to pledge all of the net income, revenues and receipts of the said commission and to enter into all such further covenants, stipulations and agreements as may be reasonably required by the governmental agency, person or corporation from whom such money is borrowed or the payment of interest and principal on such loans as the same may mature. Such loans as may be made and authorized by the Governing Bodies of the Town of Greenville and County of Pitt shall constitute first liens on such revenues and receipts prior to all other liens and claims against the same. All such obligations as may be issued by the Tar River Port Authority, which is hereby declared to be a municipal corporation, shall be exempt from all State, county and municipal taxation or assessment, direct or

Loans shall constitute first lien on revenues and receipts.

Obligations exempt from taxation.

indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1246 CHAPTER 1228

AN ACT TO REPEAL CHAPTER 316 OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF 1933 RELATING TO FISHING IN CERTAIN STREAMS IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Ch. 316, Public-Local Laws, 1933, relating to Macon County, repealed.

SECTION 1. That Chapter 316 of the Public-Local Laws of the Session of 1933 be, and the same is hereby, repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1248 CHAPTER 1229

AN ACT TO ESTABLISH A LAW LIBRARY IN JACKSON COUNTY.

Preamble: Jackson County, room in courthouse for Law Library.

WHEREAS, in the Courthouse of Jackson County there has been set aside a room for a Law Library; and

Library deemed necessity.

WHEREAS, a Law Library is deemed a necessity for the use of the officials of Jackson County, and of the courts held in said county; and

Desire to provide library equipment, books, etc.

WHEREAS, it is desired to provide for the proper equipment, books, records necessary and requisite, and for the proper support and maintenance of said library: *Now, therefore,*

The General Assembly of North Carolina do enact:

Jackson County, custodian of books, supplies, etc., of Law Library, designated.

SECTION 1. That the Chairman of the Board of County Commissioners, the Clerk of the Superior Court, and the President of the Jackson County Bar Association, and their succesors in office, be, and they are hereby, constituted the custodian of all books, supplies, equipment and furniture of the Law Library which shall be kept and maintained for the County of Jackson and the use of the officials of said county and the courts held therein.

Books, equipment, etc., to be property of county.

SEC. 2. All books, equipment, supplies and furniture of said library shall be the property of the County of Jackson, and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts.

Librarian; duties.

SEC. 3. The Clerk of the Superior Court of Jackson County shall be, and he is hereby, constituted to act as librarian of said library, without compensation. It shall be the duty of said librarian to keep said library room open during such hours as may be fixed by the custodian hereinbefore provided for, and shall obey all rules and regulations which may be prescribed for the government and management of the said library.

Fee taxed in criminal cases, Superior Court, for benefit of library.

SEC. 4. In order to provide a fund for the extension, maintenance and support of the said library, the sum of one dollar ($1.00) shall be taxed as cost and collected by the Clerk of the Superior Court in each and every criminal case tried and disposed of in the Superior Courts of Jackson County, after the ratification of this Act (except in cases in which said county is adjudged to pay all costs), and shall be put in a fund to be known and designated as a library fund; and the said fund shall be deposited by the Clerk of the Superior Court in a bank designated for that purpose, and shall be used solely for the purpose of the extension, maintenance and operation of said library.

Library fund.

Sum taxed in inferior courts; supplement to library fund.

SEC. 5. That it shall also be the duty of the judges of all inferior courts, including the mayors of municipalities and justices of the peace, to collect from the defendant in each and every criminal case finally disposed of in their respective courts, in which the Superior Court originally had jurisdiction, the sum of one dollar ($1.00), which amount shall be immediately paid over to the Clerk of the Superior Court of Jackson County to supplement the aforesaid library fund, and which shall be expended in the way and manner provided in this Act.

Purchase of books for library.

SEC. 6. That from the funds so collected from time to time, as provided in Sections 4 and 5 of this Act, it shall be the duty of the Clerk of the Superior Court of Jackson County to purchase and pay for such volumes and sets of books as shall be

recommended and agreed upon from time to time by the Chairman of the Board of Commissioners of Jackson County, the Clerk of the Superior Court of said county, and a committee to be appointed annually by the Jackson County Bar Association. All checks on said account shall be drawn and signed by the Clerk of the Superior Court of Jackson County, and it shall be the duty of the said clerk to keep a correct account of all receipts and disbursements in connection with said library fund.

Execution of checks on account of library fund.

Record of receipts and disbursements.

SEC. 7. That all laws and clauses of laws in conflict herewith regarding the disposition of costs received by the office of the Clerk of the Superior Court of Jackson County, or any of the courts inferior to said Superior Court, are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1283 CHAPTER 1230

AN ACT TO AUTHORIZE THE NORTH CAROLINA HOSPITALS BOARD OF CONTROL TO CONSTRUCT, ALTER, REPAIR OR DEMOLISH BUILDINGS AND OTHER PROJECTS ON ITS PROPERTY THROUGH ITS DULY ELECTED OFFICERS, AGENTS AND EMPLOYEES NOT COSTING MORE THAN TWENTY-FIVE THOUSAND DOLLARS ($25,000.00).

The General Assembly of North Carolina do enact:

SECTION 1. The North Carolina Hospitals Board of Control is authorized and empowered to construct, alter, repair, remove or demolish buildings and structures of all kinds through its duly elected officers, agents or employees upon its own property at Camp Butner when the cost thereof is twenty-five thousand dollars ($25,000.00) or less without complying with the provisions of Article 8, Chapter 143 of the General Statutes of North Carolina.

Authority of N. C. Hospitals Board of Control to construct, alter, remove, etc., buildings upon property at Camp Butner.

SEC. 2. The provisions of this Act shall terminate by limitation upon the expiration of two years after the ratification hereof.

Termination of Act.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1284 **CHAPTER 1231**

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF 1949, SAME HAVING BEEN DESIGNATED AS HOUSE BILL #1063, APPOINTING JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 722, Session Laws, 1949, Omnibus Justice of Peace Act, amended as to Washington County.

SECTION 1. That certain Act of the General Assembly of North Carolina of the Session of 1949 ratified on the first day of April, 1949, the same having been designated as H. B. #1063 entitled "An Act to Appoint Justices of the Peace for the Several Counties of North Carolina", is hereby amended by striking out the initial "F" from the name of J. F. McNair, as the same appears in line 500 of page 20 of the printed Act, and by inserting in lieu thereof the initial "T"; and by striking out the first initial "F" from the name of F. F. Davenport, as the same appears in line 501 of page 20 of the printed Act, and by inserting in lieu thereof the initial "T"; said Act is further amended by striking out the period at the end of line 502 and substituting in lieu thereof a comma and the name "Douglas Davenport."; said Act is further amended by striking out the period at the end of line 503, and by substituting in lieu thereof a comma, and the name "Whitford Swain."; it being the intent and purpose of this amendment to correctly state the names of J. T. McNair and T. F. Davenport as justices of the peace appointed for their respective townships in Washington County, and to add two more appointments for Washington County.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1286 CHAPTER 1232

AN ACT TO AMEND CHAPTER 722 OF THE SESSION LAWS OF 1949, BEING HOUSE BILL #1063, BY ADDING TO THE LIST OF JUSTICES OF THE PEACE FOR WILKES COUNTY THE NAMES OF W. S. FLETCHER AND MRS. MARGARET MISKELLY.

The General Assembly of North Carolina do enact:

Ch. 722, Session Laws, 1949, Omnibus Justice of Peace Act, amended as to Wilkes County.

SECTION 1. Chapter 722 of the Session Laws of 1949, being House Bill No. 1063, as enacted by the General Assembly of 1949, is hereby amended by adding to the list of Justices of the Peace for Wilkes County, the names of the following persons:

W. S. Fletcher, for Stanton Township; Mrs. Margaret Miskelly, for North Wilkesboro Township.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1296 CHAPTER 1233

AN ACT TO ALLOCATE AND DIVIDE THE PROFITS DERIVED FROM ALCOHOLIC BEVERAGE CONTROL STORES IF AND WHEN THEY MAY BE ESTABLISHED IN THE COUNTY OF GUILFORD.

The General Assembly of North Carolina do enact:

Guilford County, allocation of net profits from operation of beverage control stores, if and when established.

SECTION 1. That in the event an election shall be called in the County of Guilford upon the question of whether or not Alcoholic Beverage Control stores shall be established and the vote shall be in favor of establishing Alcoholic Beverage Control stores, then the net profits from the sale of alcoholic beverages by the Guilford County Board of Alcoholic Beverage Control, after deducting the amounts authorized or required by Section 18-45 of the General Statutes for law enforcement and a reasonable amount to be determined by the Guilford County Board of Alcoholic Beverage Control as working capital, shall be divided between the County of Guilford and the incorporated cities and towns therein as follows: (1) Forty per cent (40%) shall be paid to the Governing Body of the County of Guilford to be used as said governing body shall determine in its discretion; (2) Sixty per cent (60%) shall be paid to the incorporated cities and towns of Guilford County on the basis of the population in

the respective cities and towns according to the last official United States census, such profits to be allotted to the general funds of the respective cities and towns. The amounts of the payments to the counties and to the cities and towns shall be determined semiannually as of June 30th and December 31st each year and shall be paid within sixty days thereafter.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1297 **CHAPTER 1234**

AN ACT TO VALIDATE CERTAIN ACTS OF THE DEPUTY CLERK OF THE SUPERIOR COURT OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Washington County, certain acts of Deputy Clerk of Superior Court validated.

Pending litigation unaffected.

SECTION 1. All acts heretofore performed by the Deputy Clerk of the Superior Court of Washington County in the capacity of deputy clerk, when acting for the Clerk of the Superior Court of said county, are hereby validated: *Provided,* that this Act shall not affect pending litigation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 142 **CHAPTER 1235**

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF BEER AND WINE WITHIN ONE AND ONE-HALF MILES OF THE HOLLY SPRINGS BAPTIST CHURCH IN HOLLY SPRINGS TOWNSHIP, WAKE COUNTY.

The General Assembly of North Carolina do enact:

Wake County, manufacture and sale of beer or wine near Holly Springs Baptist Church prohibited.

SECTION 1. That it shall be unlawful for any person, firm, or corporation, society or association, by whatever name designated and known to manufacture or sell, or cause to be manufactured or sold, whether the same be at wholesale or retail, any beverage commonly known as beer or wine, containing more than one-half of one per cent alcohol per volume within one and one-half (1½) miles of the Holly Springs Baptist Church in Holly Springs Township, Wake County.

No license or permit to be issued for sale of beer or wine within designated area.

SEC. 2. That the Board of Commissioners of Wake County and the Governing Body of Holly Springs, or any other agency within the State of North Carolina, shall not issue or cause to be issued any license or permit for the sale of any beer, wine, or other intoxicating beverage containing more than one-half of one per cent alcohol per volume within the said territory designated in Section 1 above.

Violations made misdemeanor.

SEC. 3. That any person, firm, or corporation, society or association, violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or be imprisoned not less than sixty (60) days or more than two years, or both fined and imprisoned in the discretion of the court.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1301 CHAPTER 1236

AN ACT RELATING TO THE APPOINTMENT OF A JUSTICE OF THE PEACE FOR HOLLY TOWNSHIP, PENDER COUNTY, BY AMENDING H. B. NO. 1063.

The General Assembly of North Carolina do enact:

Ch. 722, Session Laws, 1949, Omnibus Justice of Peace Act, amended as to Pender County.

SECTION 1. H. B. No. 1063 ratified on the 1st day of April 1947 is amended by striking out the name S. A. Lanier, Sr., after the words "Holly Township" in the second line under the heading "Pender County" and inserting in lieu thereof "J. A. Lanier".

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1302 CHAPTER 1237

AN ACT TO AMEND G. S. 7-203 RELATING TO THE PROSECUTING ATTORNEY IN RECORDER'S COURTS IN SO FAR AS THE SAME PERTAINS TO LENOIR COUNTY.

The General Assembly of North Carolina do enact:

G. S. 7-203, relating to prosecuting attorneys, municipal recorders' courts, amended.

SECTION 1. Section 7-203 of the General Statutes of North Carolina is hereby amended by striking out the word "shall" in line 1 of said Section and by substituting in lieu thereof the word "may."

Applicable only to Lenoir County.

SEC. 2. This Act shall apply only to Lenoir County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1304 CHAPTER 1238

AN ACT TO FIX THE COMPENSATION OF COUNTY COMMISSIONERS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the members of the Board of County Commissioners for Wake County shall be allowed and paid for their services the sum of $25.00 each per month, and in addition thereto the sum of $6.00 for each day's service more than one day in each month while engaged in attending the meetings of the board, or in attending committee meetings appointed by the board to transact the business of the county, and shall be paid mileage at 5c per mile for the distance necessary to travel in attending the meetings of the board.

Wake County, compensation of County Commissioners.

Travel allowance.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be enforced on and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1305 CHAPTER 1239

AN ACT TO PROHIBIT THE PRACTICE OF PALMISTRY, FORTUNE TELLING OR CLAIRVOYANCE IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to practice palmistry, fortune telling or clairvoyance in Anson County. Any persons violating any provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine or not more than five hundred dollars ($500.00) or imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Anson County, practice of palmistry, fortune telling or clairvoyance prohibited.

Violations made misdemeanor.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1307 CHAPTER 1240

AN ACT RELATING TO THE NOMINATION AND NUMBER OF MEMBERS OF THE JONES COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Ch. 156, Session Laws, 1949, repealed.

SECTION 1. H. B. No. 364, ratified on the 25th day of February, 1949, is repealed.

Jones County Board of Education.

SEC. 2. The seven persons named in H. B. No. 1107 shall constitute the Jones County Board of Education and shall serve until the first Monday in April 1951 and until their successors are elected and qualified.

Nomination and election of successor members.

Vacancy appointments.

SEC. 3. On and after the first Monday in April 1951 the Jones County Board of Education shall consist of five members who shall be nominated and elected as provided in Sections 115-38 and 115-39 of the General Statutes. Vacancies on said board shall be filled as provided in General Statutes, Sections 115-41 and 115-42.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1310 CHAPTER 1241

AN ACT FOR THE RELIEF OF E. T. BLANTON OF PENDER COUNTY FOR INJURIES TO HIS PROPERTY INCURRED IN A SCHOOL BUS ACCIDENT.

Preamble: Pender County, school bus accident.

Damage to house of E. T. Blanton.

WHEREAS, on the 1st day of April, 1949, in Pender County, a school bus was being driven by Hubert Wells, who negligently lost control of said bus; that as a result, said bus left the road and crashed into the house of E. T. Blanton, damaging said house to an estimated amount of seventy-five dollars ($75.00): *Now, therefore,*

The General Assembly of North Carolina do enact:

State Board of Education, investigation and payment of claim of E. T. Blanton.

SECTION 1. The State Board of Education is authorized to investigate the claim of E. T. Blanton and to pay to E. T. Blanton such sum as it may deem just and proper, in view of all the facts in the case, not exceeding seventy-five dollars ($75.00).

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1311 CHAPTER 1242

AN ACT TO AUTHORIZE THE TOWN OF EDENTON TO CONSTRUCT AND MAINTAIN AND OPERATE SEWERAGE SYSTEMS SERVING AN AREA WITHIN ONE MILE OF THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. The Town of Edenton is authorized and empowered, in its discretion, to extend, build, construct, maintain and operate sewerage system or systems serving an area not exceeding one mile from the corporate limits of said town, and to make reasonable charges for such service. Town of Edenton, extension, operation, etc., of sewerage system beyond corporate limits.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1312 CHAPTER 1243

AN ACT TO EXTEND THE AUTHORITY OF POLICE OFFICERS OF THE TOWN OF LIBERTY IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The authority of all police officers of the Town of Liberty in Randolph County to make investigations and arrests and to serve criminal process, is hereby extended to include all territory within one mile of the corporate limits of the Town of Liberty. Town of Liberty, authority of police officers extended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1314 CHAPTER 1244

AN ACT RELATING TO INSURANCE ADJUSTERS.

Preamble: Annual issuance of insurance adjusters' licenses.

WHEREAS, insurance adjusters' licenses are issued each year for one year beginning on the first day of April; and

Changes made by Ch. 958, Session Laws, 1949.

WHEREAS, Chapter 958 of the Session Laws of 1949 (House Bill No. 1027), making certain changes with respect to certain licenses, was ratified on April 14, 1949; and

Resulting confusion.

WHEREAS, some confusion has thereby resulted with respect to licenses for the current year: *Now, therefore,*

The General Assembly of North Carolina do enact:

Application of 1949 Act to licenses issued after ratification of this Act.

SECTION 1. All licenses issued after the ratification of this Act to insurance adjusters for the current year shall be subject to the provisions of Chapter 958 of the Session Laws of 1949.

Right of persons securing license prior to April 14, 1949, to privileges of 1949 Act.

SEC. 2. All persons who have secured insurance adjusters' licenses prior to April 14, 1949, for the year beginning April 1, 1949, shall be permitted, at their option, to avail themselves of any privileges or advantages under the provisions of Chapter 958 of the Session Laws of 1949, and the Insurance Commissioner may cause any adjustments of refunds to be made which may be necessary to effectuate this purpose.

Renewal licenses.

SEC. 3. No adjuster's license shall be required of any person who held a valid adjuster's license on March 31, 1949, for performing acts as an insurance adjuster during the period subsequent to March 31, 1949, and prior to 30 days after the ratification of this Act without having secured a renewal license for the year beginning April 1, 1949, *provided* such person secures a renewal license for said year pursuant to the provisions of the general law as amended by Chapter 958 of the Session Laws of 1949.

Acts performed by certain adjusters validated.

SEC. 4. All acts performed by insurance adjusters who had valid licenses on March 31, 1949, and who secure renewal licenses are hereby validated in the same manner and to the same extent as if such licenses had been issued on April 1, 1949.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1321 **CHAPTER 1245**

AN ACT TO PERMIT THE OPERATION OF POOL ROOMS AND BILLIARD PARLORS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Avery County, repeal of Acts prohibiting operation of pool rooms and billiard parlors.

SECTION 1. Any public local or private act prohibiting the operation of pool rooms or billiard parlors in Avery County is repealed.

Licenses issued upon compliance by applicant with G. S. 105-64.

SEC. 2. It shall be the duty of the Board of County Commissioners of Avery County to issue a license to any bona fide resident of the county of good moral character, upon such applicant complying with the provisions of Section 105-64 of the General Statutes.

Construction of Act.

SEC. 3. Nothing in this Act shall be construed as amending or repealing General Statutes 160-200 (33) and the governing bodies of any incorporated municipality may license, prohibit and regulate pool rooms and billiard parlors as provided in said Section.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1324 CHAPTER 1246

AN ACT TO AMEND CHAPTER 686 OF THE SESSION LAWS OF 1947 RELATING TO THE TERMS OF THE SUPERIOR COURT OF PITT COUNTY IN THE FIFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Ch. 686, Session Laws, 1947, amended as to terms of Superior Court, Pitt County.

SECTION 1. Amend that portion of Chapter 686 of the Session Laws of 1947 fixing the terms of the Superior Court for Pitt County in the Fifth Judicial District, by striking out the word "only" as the same appears after the word "cases" and before the semicolon in line 13 of said portion, and by inserting in lieu thereof the following: "and criminal cases where defendants are confined in jail".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1325 CHAPTER 1247

AN ACT TO AMEND HOUSE BILL NO. 1124 WHICH WAS RATIFIED ON THE ELEVENTH DAY OF APRIL, 1949, RELATIVE TO PROFESSIONAL BONDSMEN IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Ch. 899, Session Laws, 1949, relating to professional bondsmen, Durham County, amended.

SECTION 1. Section 8 of House Bill No. 1124, ratified on April 11, 1949, is hereby amended by adding at the end of Section 8 the following:

"This Section shall not apply to any employee who was employed by a professional bondsman at the time of the ratification of this Act."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 31 **CHAPTER 1248**

AN ACT TO MAKE APPROPRIATIONS FOR PERMANENT IMPROVEMENTS OF STATE INSTITUTIONS, DEPARTMENTS, AND AGENCIES AND CONSTRUCTION OF BUILDINGS AND PERMANENT IMPROVEMENTS FOR THE STATE.

The General Assembly of North Carolina do enact:

Title of Act.

SECTION 1. That this Act shall be known as the Permanent Improvement Appropriation Act of 1949.

Purpose of appropriations herein.

SEC. 2. That for the purpose of constructing buildings and other permanent improvements, and acquiring and installing equipment, and acquiring sites therefor, if necessary, at the educational, charitable, and correctional institutions and departments and agencies of the State, hereinafter mentioned, there is hereby appropriated out of the General Fund of the State the sum of $72,827,734 for permanent improvements as set out in this Act.

Transfer of general funds.

Permanent Improvement Fund of 1947.

Permanent Improvement Fund of 1949.

Disbursements.

Requisitions.

SEC. 3. That the funds to cover the appropriations herein authorized shall be transferred from the General Fund into special funds designated as follows: The funds appropriated to supplement the 1947 permanent improvement appropriations shall be transferred to the special fund designated "Permanent Improvement Fund of 1947"; the funds appropriated for new permanent improvement projects shall be transferred to a special fund to be designated "Permanent Improvement Fund of 1949" and be disbursed for the purposes provided in this Act upon warrants drawn by the State Auditor, which warrants shall not be drawn for any State institution, department, or agency until a requisition has been approved by the Director of the Budget, and which requisition shall be approved only after full compliance with the Executive Budget Act, Chapter 100 of the Public Laws of 1929. Any officer of the State or executive head of any institution, or any director, trustee, or commissioner in any State institution, department or agency to which an appropriation is made under the provisions of this Act who votes for or aids in spending more money for any improvement for his institution, department or agency than is appropriated therefor, may be removed from office by the Governor. Any additional moneys which may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any of the improvements herein referred to, may be placed by the State Treasurer in the same fund or in a separate fund and, to the extent permitted by the terms of such grant or grants, shall be disbursed in the same manner and for the purposes mentioned in this Act.

Removal from office of officials overspending appropriations.

Custody and disbursement of additional moneys from other sources.

Appropriations for permanent improvement, enlargement and equipment.

SEC. 4. That the appropriations as herein provided, in the following amounts and for the following purposes: For the permanent improvement, enlargement and equipment of the following institutions, departments and agencies and buildings of the State, and acquiring sites therefor:

Educational institutions.

EDUCATIONAL INSTITUTIONS

University of North Carolina.

UNIVERSITY OF NORTH CAROLINA			$11,184,000
For the following purposes:			
To supplement 1947 appropriations.	TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:		
1. Library Addition:			
(a) Building	$1,515,000		
(b) Equipment	100,000		
Total	1,615,000		
Less: 1947 Appropriation	1,215,000	$ 400,000	
2. Medical School and Teaching Hospital:			
(1) Hospital (400 Beds)			
(a) Building	$5,344,000		
(b) Equipment	780,000		
Total	6,124,000		
Less: 1947 Appropriation	3,800,000	$ 2,324,000	
(2) Nurses Home and Training School Quarters and Equipment	1,618,000		
Less: 1947 Appropriation	840,000	778,000	
(3) Living Quarters, Internes and Residents and Equipment	610,000		
Less: 1947 Appropriation	450,000	160,000	
(4) To replace Hill-Burton Funds		1,500,000	$ 4,762,000
3. Additions to Laundry:			
(a) Building	$ 75,800		
(b) Equipment	52,500		
Total	128,300		
Less: 1947 Appropriation	95,800	$ 32,500	

4. Expansion of Power Plant	588,000		
Less: 1947 Appropriation	300,000	$ 288,000	
5. Electric Turbo-generator		550,000	
6. Clock System	20,000		
Less: 1947 Appropriation	10,000	10,000	
Total to Supplement 1947 Permanent Improvement Appropriations		6,042,500	

NEW PROJECTS: New projects.

7. Venereal Disease Research Laboratory		$ 175,000	
8. School of Commerce Building:			
(a) Building	1,785,000		
(b) Equipment	200,000	1,985,000	
9. Power Plant—soot and ash eliminator		48,000	
10. Water, sewage and electric light extension		70,000	
11. Walks, roads, sewage and electric lines (new areas)		75,000	
12. Addition to Law School Building:			
(a) Building	588,500		
(b) Equipment	50,000	638,500	
13. Addition to Chemistry Building:			
(a) Building	900,000		
(b) Equipment	250,000	$ 1,150,000	
14. Three (3) Dormitories:			
(a) Buildings	930,000		
(b) Equipment	70,000	$ 1,000,000	
Total New Projects		$ 5,141,500	
STATE COLLEGE OF AGRICULTURE AND ENGINEERING			$ 8,898,045

State College of Agriculture and Engineering.

For the following projects:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS: To supplement 1947 appropriations.

1. Armory-Colosseum:		
(a) Building	$ 1,698,072	
(b) Seating	100,000	
Total	1,798,072	

	Less: 1947 Appropriation	898,072	$ 900,000
2.	Agronomy Building:		
	(a) Building	1,088,000	
	(b) Equipment	150,000	
	Total	1,238,000	
	Less: 1947 Appropriations	900,000	$ 338,000
3.	General Engineering Laboratory Building:		
	(a) Building	1,224,778	
	(b) Equipment	395,000	
	Total	1,619,778	
	Less: 1947 Appropriations	1,210,333	$ 409,445
4.	Mechanical Engineering Building:		
	(a) Building	749,600	
	(b) Equipment	180,000	
	Total	929,600	
	Less: 1947 Appropriations	780,000	$ 149,600
5.	Poultry Science Building:		
	(a) Building	393,000	
	(b) Equipment	75,000	
	Total	468,000	
	Less: 1947 Appropriations	175,000	$ 293,000
	Total to Supplement 1947 Appropriations		$ 2,090,045

New projects.

NEW PROJECTS:

6.	Botany - Zoology Building:		
	(a) Building	1,090,000	
	(b) Equipment	150,000	$ 1,240,000
7.	Library:		
	(a) Building	1,250,000	
	(b) Equipment	250,000	$ 1,500,000
8.	Renovate Old Library for School of Architecture		85,000
9.	Student Union:		
	(a) Building	800,000	
	(b) Equipment	150,000	$ 950,000
10.	Underpass under Railroad (vehicular)		125,000

11. Remodeling electrical distribution system			35,000
12. Roads and Walks			75,000
13. Campus Lighting			25,000
14. Chemistry equipment—Withers Hall			30,000
15. Repair Forestry Camp			6,000
16. Forest Products Laboratory			10,000
17. Six (6) Farm Residences			45,000
18. Grain Storage and Feed Mixing Building			12,000
19. Two (2) barns for young cattle			8,000
20. Machinery storage for Agricultural Engineering			15,000
21. Livestock			25,000
22. Farm Equipment			8,000
23. Forestry - Horticulture Building:			
(a) Building	684,000		
(b) Equipment	90,000		774,000
24. Addition of two stories to Civil Engineering Building:			
(a) Building	350,000		
(b) Equipment	40,000		390,000
25. Remodeling Physics Laboratory:			
(a) Building	50,000		
(b) Equipment	50,000		100,000
26. Dormitories for Men (Cap. 550):			
(a) Building	$ 950,000		
(b) Equipment	50,000	$	1,000,000
27. Renovation of Engineering Shops:			
(a) Building	75,000		
(b) Equipment	75,000		150,000
28. Textile School Equipment			200,000
Total New Projects		$	6,808,000

THE WOMAN'S COLLEGE OF THE UNIVERSITY OF NORTH CAROLINA ..... $ 3,994,500

The Woman's College of U. N. C.

For the following purposes:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

To supplement 1947 appropriations.

1. Library Equipment ..... $ 115,000

	Less: 1947 Appropriation	75,000	$ 40,000
2.	Two Dormitories (Cap. 300):		
	(a) Buildings	1,040,500	
	(b) Equipment	74,400	
	Total	1,114,900	
	Less: 1947 Appropriation	636,000	478,900
3.	Home Economics Building:		
	(a) Building	880,000	
	(b) Equipment	145,000	
	Total	1,025,000	
	Less: 1947 Appropriation	555,000	470,000
4.	Student Union:		
	(a) Building	997,500	
	(b) Equipment	75,000	
	Total	1,072,500	
	Less: 1947 Appropriation	396,900	675,600
5.	Extension of Utilities	468,000	
	Less: 1947 Appropriations	150,000	318,000
6.	Infirmary:		
	(a) Building	400,000	
	(b) Equipment	78,000	478,000
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 2,460,500

New projects.

NEW PROJECTS:

7.	Convert old Library Building into classrooms:		
	(a) Building Alterations	168,000	
	(b) Equipment	17,000	185,000
8.	Remodel Curry School:		
	(a) Building	65,625	
	(b) Equipment	9,375	75,000
9.	Science Building Addition:		
	(a) Building	300,300	
	(b) Equipment	35,700	336,000
10.	Gymnasium:		
	(a) Building	760,000	
	(b) Equipment	60,000	820,000

11. Nursery School:			
(a) Building	105,000		
(b) Equipment	13,000	118,000	
Total New Projects		$ 1,534,000	
STATE COLLEGE OF AGRICULTURE AND ENGINEERING - AGRICULTURAL EXPERIMENT STATION			$ 243,500

Agricultural Experiment Station, State College.

For the following purposes:

NEW PROJECTS:

New projects.

1. Eight Greenhouses and two headhouses for research and instruction	$ 150,000	
2. Nutrition Swine Barn	10,000	
3. New Water System at Central Dairy and Poultry Farm	12,000	
4. Repairs to buildings, fences and roads and land clearing	10,000	
5. Fertilizer mixing house—Central Station	10,000	
6. Completion of turkey research plant—Central Station	14,500	
7. Laboratory equipment for dairy manufacturing	15,000	
8. Laboratory equipment for animal nutrition work	12,000	
9. Laboratory equipment for animal physiology research	6,000	
10. Utility building—McCullers Station	4,000	
EAST CAROLINA TEACHERS COLLEGE		$ 1,515,419

East Carolina Teachers College.

For the following purposes:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

To supplement 1947 appropriations.

1. Improvement to lighting in buildings	$ 45,000	
Less: 1947 Appropriation	35,000	10,000

2.	Workshop and Warehouse:		
	(a) Building	119,600	
	(b) Equipment	6,000	
	Total	125,600	
	Less: 1947 Appropriation	67,000	58,600
3.	Additions to Laundry:		
	(a) Building	20,400	
	(b) Equipment	14,800	35,200
4.	Power Plant Improvement	250,000	
	Less: 1947 Appropriation	200,000	50,000
5.	Weatherstripping Windows	18,000	
	Less: 1947 Appropriation	8,300	9,700
6.	Replacing water lines in buildings	20,500	
	Less: 1947 Appropriation	14,000	6,500
7.	Accoustical treatment, two auditoriums	23,000	
	Less: 1947 Appropriation	16,000	7,000
8.	Gymnasium and Physical Education Building:		
	(a) Building	722,500	
	(b) Equipment	50,000	
	Total	772,500	
	Less: 1947 Appropriation	490,000	282,500
9.	Library:		
	(a) Building	700,299	
	(b) Equipment	50,000	
	Total	750,299	
	Less: 1947 Appropriation	446,000	304,299
10.	Extension of Utilities	$ 95,000	
	Less: 1947 Appropriation	50,000	$ 45,000
11.	Addition to Training School:		
	(a) Building	394,400	
	(b) Equipment	35,000	
	Total	429,400	

Less: 1947 Appropriation	275,000	154,400
Total to Supplement 1947 Permanent Improvement Appropriations		$ 963,199

NEW PROJECTS: New projects.

12. President's Home		$ 30,000
13. Convert President's Home into Apartments		2,500
14. Purchase of Land		12,000
15. Roads and Walks		10,000
16. Apartment Dormitory for teachers:		
(a) Building	250,000	
(b) Equipment	13,220	263,220
16A. Home Management House:		
(a) Building	50,000	
(b) Equipment	2,500	52,500
16B. Convert present Home Management House into Apartments		7,000
16C. Repairs to Wilson Dormitory		38,000
16D. Campus Lighting System		15,000
16E. Pipe Organ, including installation	30,000	
16F. Equipment, Industrial Arts Shop		12,000
17. Convert Wright Building into Student Union:		
(a) Building	25,000	
(b) Equipment	5,000	30,000
18. Convert Library into Music Building		25,000
19. Athletic field		25,000
Total New Projects		$ 552,220

NEGRO AGRICULTURAL AND TECHNICAL COLLEGE $ 5,689,596 Negro Agricultural and Technical College.

For the following purposes:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS: To supplement 1947 appropriations.

1. Agriculture and Science Building:		
(a) Building	380,000	
(b) Equipment	80,000	
Total	460,000	

	Less: 1947		
	Appropriation	340,000	120,000
2.	Gymnasium and Armory:		
	(a) Building	635,600	
	(b) Equipment	70,000	
	Total	705,600	
	Less: 1947		
	Appropriation	403,000	302,600
3.	Library:		
	(a) Building	$ 980,000	
	(b) Equipment	200,000	
	Total	1,180,000	
	Less: 1947		
	Appropriation	450,000	730,000
4.	Home Economics Building:		
	(a) Building	197,260	
	(b) Equipment	30,000	
	Total	227,260	
	Less: 1947		
	Appropriation	121,000	106,260
5.	Residence for President:		
	(a) Building	40,600	
	(b) Equipment	500	
	Total	41,100	
	Less: 1947		
	Appropriation	18,500	22,600
6.	Addition to Kitchen Building:		
	(a) Building	'125,000	
	(b) Equipment	45,000	
	Total	170,000	
	Less: 1947		
	Appropriation	85,000	85,000
7.	Additions to Trades Building to provide Engineering Building:		
	(a) Building	600,000	
	(b) Equipment	100,000	
	Total	700,000	
	Less: 1947		
	Appropriation	250,000	450,000
8.	Infirmary:		
	(a) Building	150,000	

	(b) Equipment	40,000	
	Total	190,000	
	Less: 1947 Appropriation	90,000	100,000
9.	Farm, Dairy and Poultry Plant	76,000	
	Less: 1947 Appropriation	26,345	49,655
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 1,966,115
	NEW PROJECTS:		
10.	Three Dormitories for Men:		
	(a) Buildings (Cap. 1,000)	$1,852,200	
	(b) Equipment	90,000	$ 1,942,200
11.	Dormitory for Women:		
	(a) Building (Cap. 150)	296,205	
	(b) Equipment	15,000	311,205
12.	Heating Plant	430,000	
	Less: 1947 Appropriation	100,000	330,000
13.	Trades Building:		
	(a) Building	450,000	
	(b) Equipment	35,000	485,000
14.	Dairy Plant:		
	(a) Building	135,117	
	(b) Equipment	22,000	157,117
15.	Farm Plant:		
	(a) Three tenant houses	14,671	
	(b) Farm machinery	12,000	
	(c) Machinery shed	8,094	
	(d) Meat processing building and equipment	19,495	
	(e) Cattle shed	10,275	
	(f) Fattening barns	10,141	
	(g) Three greenhouses for instruction	30,000	
	(h) Beef cattle	2,000	106,676
16.	Dairy Products Building:		
	(a) Building	121,783	
	(b) Equipment	60,000	181,783
17.	Science Equipment		50,000

New projects.

18. Agriculture Extension Building:			
(a) Building		154,500	
(b) Equipment		5,000	159,500
Total New Projects			$ 3,723,481

Western Carolina Teachers College.

WESTERN CAROLINA TEACHERS COLLEGE ..... $ 2,050,000

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1. Science-Classroom Building:			
(a) Building		$ 1,250,000	
(b) Equipment		162,000	
Total		1,412,000	
Less: 1947 Appropriation		597,000	815,000
2. Dormitory (Capacity 150):			
(a) Building		395,000	
(b) Equipment		17,000	
Total		412,000	
Less: 1947 Appropriation		260,100	151,900
3. Library:			
(a) Building		630,000	
(b) Equipment		60,000	
Total		690,000	
Less: 1947 Appropriation		304,800	385,200
4. Extension of Utilities		200,000	
Less: 1947 Appropriation		40,000	160,000
5. Drives, Walks and Landscaping		30,000	
Less: 1947 Appropriation		10,000	20,000
Total to Supplement 1947 Permanent Improvement Appropriations			$ 1,532,100

NEW PROJECTS: New projects.

6. Home Economics Practice House:			
(a) Building	15,900		
(b) Equipment	5,500	21,400	
7. Dormitory (Capacity 150):			
(a) Building	395,000		
(b) Equipment	17,000	412,000	
8. President's Home:			
(a) Building		30,000	
9. Convert present classroom building into apartments		50,000	
10. Storage Warehouse		4,500	
Total New Projects		$ 517,900	
APPALACHIAN STATE TEACHERS COLLEGE			$ 1,576,400

Appalachian State Teachers College.

For the following purposes:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS: To supplement 1947 appropriations.

1. Apartment house for teachers:			
(a) Building	$ 195,000		
(b) Equipment	15,000		
Total	210,000		
Less: 1947 Appropriation	150,000	60,000	
2. Ten (10) homes for teachers	130,000		
Less: 1947 Appropriation	100,000	30,000	
3. Boys' Dormitory:			
(a) Building	487,500		
(b) Equipment	40,000		
Total	527,500		
Less: 1947 Appropriation	400,000	127,500	
4. Girls' Dormitory:			
(a) Building	305,500		
(b) Equipment	25,000		
Total	330,500		
Less: 1947 Appropriation	250,000	80,500	
5. Remodeling and enlarging Demonstration School:			

	(a) Building	325,000	
	(b) Equipment	25,000	
	Total	350,000	
	Less: 1947 Appropriation	250,000	100,000
6.	Enlarging Library:		
	(a) Building	260,000	
	(b) Equipment	10,000	
	Total	270,000	
	Less: 1947 Appropriation	200,000	70,000
7.	Music and Art Building:		
	(a) Building	413,400	
	(b) Equipment	30,000	
	Total	443,400	
	Less: 1947 Appropriation	318,000	125,400
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 593,400

New projects.

NEW PROJECTS:

8.	Four All-Weather Tennis Courts		$ 13,000
9.	Roads, walks and drives		10,000
10.	Venetian blinds for all buildings		12,000
11.	New lighting fixtures for all buildings		13,000
12.	Furniture for old dormitories		20,000
13.	New athletic field		100,000
14.	New gymnasium:		
	(a) Building	700,000	
	(b) Equipment	50,000	750,000
15.	Five (5) teachers' homes		65,000
	Total New Projects		$ 983,000

Pembroke State College for Indians.

PEMBROKE STATE COLLEGE FOR INDIANS ..... $ 258,000

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1.	Residence for President:		
	(a) Building	20,000	

Less: 1947 Appropriation		12,000	8,000	
Total to Supplement 1947 Permanent Improvement Appropriations			$ 8,000	
NEW PROJECTS:				New projects.
2. Roads, walks and landscaping			$ 15,000	
3. Arts Building:				
(a) Building		210,000		
(b) Equipment		25,000	235,000	
Total New Projects			250,000	
WINSTON-SALEM TEACHERS COLLEGE				$ 904,000 Winston-Salem Teachers College.
For the following purposes:				
TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:				To supplement 1947 appropriations.
1. Physical Education Building:				
(a) Building		500,000		
(b) Equipment		75,000		
Total		575,000		
Less: 1947 Appropriation		365,000	210,000	
2. Addition to Boys' Dormitory:				
(a) Building (Cap. 80)		142,500		
(b) Equipment		10,000		
Total		152,500		
Less: 1947 Appropriation		100,000	52,500	
Total to Supplement 1947 Permanent Improvement Appropriation			$ 262,500	
NEW PROJECTS:				New projects.
3. Remodel Freshman Girls' Dormitory:				
(a) Building		150,000		
(b) Equipment		20,000	170,000	
4. Remodeling Boys' Dormitory:				
(a) Building		41,500		
(b) Equipment		10,000	51,500	
5. Extension and renovation of utilities			25,000	

6. Remodeling Main Classroom Building:			
(a) Building	60,000		
(b) Equipment	15,000	75,000	
7. Remodeling Vocational Building		90,000	
8. Infirmary and Health Building:			
(a) Building	140,000		
(b) Equipment	25,000	165,000	
9. Five (5) Cottages for Teachers		60,000	
10. Heating plant for president's home		5,000	
Total New Projects		$ 641,500	

Elizabeth City State Teachers College.

ELIZABETH CITY STATE TEACHERS COLLEGE ..... $ 672,925

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1. Science Building:			
(a) Building	228,969		
(b) Equipment	25,000	253,969	
Total to Supplement 1947 Permanent Improvement Appropriations		$ 253,969	

New projects.

NEW PROJECTS:

2. Five (5) homes for faculty		50,000	
3. Athletic field and stadium		35,000	
4. Home for Women Teachers:			
(a) Building	108,288		
(b) Equipment	10,828	119,116	
5. Roads and Walks	30,000		
6. Addition to Library	13,100		
7. Infirmary and Health Center:			
(a) Building	81,740		
(b) Equipment	5,000	86,740	
8. Health Center and Infirmary		85,000	
Total New Projects		$ 418,956	

Fayetteville State Teachers College.

FAYETTEVILLE STATE TEACHERS COLLEGE ..... $ 598,448

For the following purposes:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS: To supplement 1947 appropriations.

1.	Library:		
	(a) Building	44,445	
	(b) Equipment	5,625	
	Total	50,070	
	Less: 1947 Appropriation	37,834	12,236
2.	Improve Bickett Hall (Girls' Dormitory)	75,000	
	Less: 1947 Appropriation	25,000	50,000
3.	Women's Dormitory:		
	(a) Building	193,850	
	(b) Equipment	20,000	
	Total	213,850	
	Less: 1947 Appropriation	155,388	58,462
4.	Dormitory for Married Teachers:		
	(a) Building	63,333	
	(b) Equipment	8,750	
	Total	72,083	
	Less: 1947 Appropriation	54,500	17,583
5.	Dormitory for Single Teachers:		
	(a) Building	85,669	
	(b) Equipment	8,000	
	Total	93,669	
	Less: 1947 Appropriation	70,252	23,417
6.	Extension of Gymnasium Balconies	$ 6,000	
	Less: 1947 Appropriation	4,500	1,500
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 163,198

NEW PROJECTS: New projects.

7.	Enlarging and Improving Athletic Field	22,000

8.	Major repairs to buildings		49,000
9.	Equipment for Bickett Hall (Girls' Dormitory)		6,000
10.	Roads, walks and lights on campus		27,000
11.	Remodeling Mechanics Art Building:		
	(a) Building	30,000	
	(b) Equipment	8,750	38,750
12.	Auditorium:		
	(a) Building	225,000	
	(b) Equipment	29,000	254,000
13.	Convert Assembly Hall into Classrooms and Offices:		
	(a) Building Renovation	32,000	
	(b) Equipment	6,500	38,500
	Total New Projects		$ 435,250

North Carolina College at Durham.

NORTH CAROLINA COLLEGE AT DURHAM ..... $ 2,147,809

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1.	Library:		
	(a) Building	800,000	
	(b) Equipment	120,000	
	Total	920,000	
	Less: 1947 Appropriation	550,000	370,000
2.	Dormitories	875,000	
	Less: 1947 Appropriation	700,000	175,000
3.	Classroom Building	312,500	
	Less: 1947 Appropriation	250,000	62,500
4.	Domestic Science Building	87,500	
	Less: 1947 Appropriation	70,000	17,500
5.	Storage Building	30,000	
	Less: 1947 Appropriation	10,000	20,000
6.	Apartment House for Teachers	125,000	

	Less: 1947 Appropriation	100,000	25,000	
7.	Home Economics Practice Cottage	37,500		
	Less: 1947 Appropriation	30,000	7,500	
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 677,500	
NEW PROJECTS:				New projects.
8.	Music and Fine Arts Building:			
	(a) Building	$ 309,066		
	(b) Equipment	30,000	339,066	
9.	Gymnasium:			
	(a) Building	700,000		
	(b) Equipment	50,000	750,000	
10.	Purchase of Land		1,800	
11.	Roads and Walks		19,588	
12.	Fire Protection System		10,000	
13.	Sewer Improvements		5,000	
14.	Cafeteria		28,855	
15.	Central Heating Plant		316,000	
	Total New Projects		$ 1,470,309	
NORTH CAROLINA SCHOOL FOR THE DEAF			$ 594,000	North Carolina School for the Deaf.
For the following purposes:				
TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:				To supplement 1947 appropriations.
1.	Alterations to Main Building	100,000		
	Less: 1947 Appropriation	50,000	50,000	
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 50,000	
NEW PROJECTS:				New projects.
2.	Furniture for Main Building		20,000	
3.	Gymnasium:			
	(a) Building	186,000		
	(b) Equipment	14,000	200,000	
4.	Remodeling Old Shop Building		60,000	
5.	Vocational Building:			
	(a) Building	190,000		

(b) Equipment	30,000	220,000	
6. Converting Infirmary into Dormitory:			
(a) Building Repairs	20,000		
(b) Equipment	5,000	25,000	
7. Convert Superintendent's Residence into Infirmary		4,000	
8. Residence for Superintendent		15,000	
Total New Projects		$ 544,000	

State School for the Blind and the Deaf.

STATE SCHOOL FOR THE BLIND AND THE DEAF ..... $ 433,293

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

White Department.

WHITE DEPARTMENT:

1. Residence for Principal:			
(a) Building	$ 12,400		
(b) Equipment	500		
Total	12,900		
Less: 1947 Appropriation	10,400	2,500	
2. Remodel Cottage "O":			
(a) Building	65,000		
(b) Equipment	9,000		
Total	74,000		
Less: 1947 Appropriation	50,200	23,800	
3. Remodeling Gymnasium:			
(a) Building Repairs	20,600		
(b) Equipment	1,125		
Total	21,725		
Less: 1947 Appropriation	19,700	2,025	
4. Library Annex:			
(a) Building	131,400		
(b) Equipment	9,000		
Total	140,400		
Less: 1947 Appropriation	108,000	32,400	
5. Industrial Arts Building:			
(a) Building	18,468		

	(b) Equipment	1,250	
	Total	19,718	
	Less: 1947 Appropriation	16,000	3,718
6.	Resurfacing Driveways	6,400	
	Less: 1947 Appropriation	4,900	1,500
7.	Renovation of Swimming Pool	9,700	
	Less: 1947 Appropriation	7,500	2,200
	COLORED DEPARTMENT:		
8.	Auditorium:		
	(a) Building	$ 171,000	
	(b) Equipment	9,000	
	Total	180,000	
	Less: 1947 Appropriation	136,500	43,500
9.	Girls' Dormitory:		
	(a) Building	135,000	
	(b) Equipment	4,000	
	Total	139,000	
	Less: 1947 Appropriation	118,000	21,000
10.	Residence for Principal:		
	(a) Building	12,500	
	(b) Equipment	500	
	Total	13,000	
	Less: 1947 Appropriation	10,400	2,600
11.	Gymnasium:		
	(a) Building	161,400	
	(b) Equipment	5,000	
	Total	166,400	
	Less: 1947 Appropriation	131,000	35,400
12.	Surfacing Driveways	6,680	
	Less: 1947 Appropriation	5,280	1,400
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 172,043

Colored Department.

New projects—White Department.

NEW PROJECTS—WHITE DEPARTMENT:

13.	Remodel Linebery Hall: (Classroom Building)		
	(a) Remodeling	62,900	
	(b) Equipment	7,250	70,150
14.	Four Houses for Employes		24,000

New projects—Colored Department.

NEW PROJECTS—COLORED DEPARTMENT:

15.	Extension of Water System		9,100
16.	Boys' Dormitory:		
	(a) Building	135,000	
	(b) Equipment	5,000	140,000
17.	Three (3) Homes for Employees		$ 18,000
	Total New Projects		$ 261,250

Charitable and correctional institutions.

CHARITABLE AND CORRECTIONAL INSTITUTIONS

State Hospital at Raleigh.

STATE HOSPITAL AT RALEIGH ..... $ 3,772,475

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1.	Building for Disturbed Men: (Capacity 100)		
	(a) Building	515,000	
	(b) Equipment	15,000	
	Total	530,000	
	Less: 1947 Appropriation	342,800	187,200
2.	Renovation of Criminal Insane Building		
	(a) Building	221,000	
	(b) Equipment	15,000	
	Total	236,000	
	Less: 1947 Appropriation	170,000	66,000
3.	Renovation of Harvey Building:		
	(a) Building	110,500	
	(b) Equipment	9,750	
	Total	120,250	
	Less: 1947 Appropriation	52,600	67,650
4.	Renovation of Royster Building:		
	(a) Building	95,300	
	(b) Equipment	7,500	
	Total	102,800	

	Less: 1947		
	Appropriation	40,800	62,000
5.	Building for Epileptic Children:		
	(a) Equipment	15,000	
	Less: 1947		
	Appropriation	10,000	5,000
6.	Five (5) Staff Cottages:		
	(a) Buildings	60,000	
	Less: 1947		
	Appropriation	50,000	10,000
7.	Cannery Building:		
	(a) Building	13,650	
	(b) Equipment	4,550	
	Total	18,200	
	Less: 1947		
	Appropriation	14,000	4,200
8.	Storage Building:		
	(a) Building	39,000	
	(b) Equipment	5,000	
	Total	44,000	
	Less: 1947		
	Appropriation	30,000	14,000
9.	Implement Shed:		
	(a) Building	13,000	
	Less: 1947		
	Appropriation	10,000	3,000
10.	Rain Shelters:		
	(a) Construction	6,000	
	Less: 1947		
	Appropriation	3,000	3,000
11.	Farm Fencing:		
	(a) Construction	16,900	
	Less: 1947		
	Appropriation	5,000	11,900
12.	Abattoir:		
	(a) Building and Equipment	32,500	
	Less: 1947		
	Appropriation	25,000	7,500
13.	Milk Handling Plant:		
	(a) Building and Equipment	30,000	
	Less: 1947		
	Appropriation	22,000	8,000
14.	Barns and Silos:		
	(a) Construction	40,000	
	Less: 1947		
	Appropriation	25,000	15,000

15.	Hospital and Admissions Building:		
	(a) Building	1,381,000	
	Less: 1947 Appropriation	771,175	609,825
16.	Ice and Refrigeration Plant:		
	(a) Building and Equipment	39,000	
	Less: 1947 Appropriation	30,000	9,000
17.	Power Plant:		
	(a) Building and Equipment	$ 886,034	
	Less: 1947 Appropriation	692,000	194,034
18.	Steam Tunnels:		
	(a) Construction	149,500	
	Less: 1947 Appropriation	115,000	34,500
19.	Electric Distribution System:		
	(a) Construction	97,500	
	Less: 1947 Appropriation	50,000	47,500
20.	Extension of Water Sewer Lines:		
	(a) Construction	78,000	
	Less: 1947 Appropriation	40,000	38,000
21.	To Replace Hill-Burton Funds	963,666	
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 2,360,975

New projects.

NEW PROJECTS:

22.	Twenty-five (25) Cottages		162,500
23.	Twelve (12) Cottages for Colored Help		60,000
24.	Five (5) Staff Cottages		60,000
25.	Nurses Home (Epileptic Colony):		
	(a) Building (Cap. 61)	216,000	
	(b) Equipment	10,000	226,000
26.	Garage and Repair Shop		40,000
27.	Recreational Facilities:		
	(a) Playground Equipment	8,000	
	(b) Field Lighting System	10,000	18,000
28.	Incinerator		10,000

29. Improvement of grounds:			
(a) Roads and Walks	25,000		
(b) Landscaping and Shrubbery		25,000	
30. Recreation, Occupational Therapy, and Industry Building		350,000	
31. Renovation Male Wing—Main Building		400,000	
32. Renovation of Broughton Building		60,000	
Total New Projects		$ 1,411,500	
STATE HOSPITAL AT MORGANTON			$ 2,816,308

State Hospital at Morganton.

For the following purposes:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

To supplement 1947 appropriations.

1. Additions to Nurses Home (Cap. 75)	229,000		
Less: 1947 Appropriation	155,000	$	74,000
2. Male Employes Quarters (Cap. 64)	199,690		
Less: 1947 Appropriation	175,000		24,690
3. Service Building	675,000		
Less: 1947 Appropriation	500,000		175,000
4. Addition to Power Plant	583,200		
Less: 1947 Appropriation	432,000		151,200
5. Water Supply Improvements	175,873		
Less: 1947 Appropriation	123,000		52,873
6. Improvements to Sewage System	196,650		
Less: 1947 Appropriation	108,736		87,914
7. Garage and Machine Shop	25,000		
Less: 1947 Appropriation	17,500		7,500
8. Hospital and Admissions Building:			
(a) Building	1,300,000		

	(b) Equipment	81,000	
	Total	1,381,000	
	Less: 1947 Appropriation	800,000	581,000
9.	To replace Hill-Burton Funds		789,681
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 1,943,858
	NEW PROJECTS:		
10.	Fireproofing North Farm Colony Building (Cap. 75)		150,000
11.	Repairing Floors in Wards Nos. 30 and 31		50,000
12.	Renovation of Female Dining Room No. 3		85,000
13.	Renovation of Nurses' Home (Cap. 60)		150,000
14.	Elevated Water Storage Tank		70,000
15.	Cleaning Water Lines to Water Shed		19,950
16.	Twenty 4-room Cottages		90,000
17.	Twenty 5-room Cottages		100,000
18.	Farm Implement Shed		25,000
19.	Poultry Laying House		12,500
20.	Sweet Potato Curing House		10,000
21.	Milk Room and Pasteurizing Plant		25,000
22.	Railroad Siding		75,000
23.	Incinerator		10,000
	Total New Projects		$ 872,450

State Hospital at Goldsboro.

STATE HOSPITAL AT GOLDSBORO ..... $ 1,769,555

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT THE 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1.	Ice Making Plant	42,300	
	Less: 1947 Appropriation	18,000	24,300
2.	Three (3) Staff Houses	45,000	
	Less: 1947 Appropriation	24,000	21,000
3.	Nurses Home and Equipment (Cap. 53)	195,000	
	Less: 1947 Appropriation	105,000	90,000

4.	Occupational Therapy and Sewing Rooms	216,400	
	Less: 1947 Appropriation	116,400	100,000
5.	Furniture, Patients Buildings	23,500	
	Less: 1947 Appropriation	10,000	13,500
6.	Chapel and Auditorium and Equipment	329,000	
	Less: 1947 Appropriation	154,000	175,000
7.	To Replace Hill-Burton Funds (Federal)		403,185
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 826,985

NEW PROJECTS: New projects.

8.	Farm Colony Building (to replace two old buildings):		
	(a) Building (cap. 200)	348,020	
	(b) Equipment	10,000	358,020
9.	Addition to Criminal Insane Building:		
	(a) Building (Cap. 100)	195,000	
	(b) Equipment	5,000	200,000
10.	Training Building for Feeble-minded Children:		
	(a) Building	45,500	
	(b) Equipment	4,000	49,500
11.	Dairy Barn Complete		50,000
12.	Hay Storage and Feed Barn		7,500
13.	Two (2) Silos		4,500
14.	Pasteurizing Plant and Milk Room Equipment		25,000
15.	Mill House		7,500
16.	Five (4-room) Farm Houses		20,000
17.	Three (5-room) Farm Houses		15,000
18.	Two (8-room) Duplex Houses		21,000
19.	Two (6-room) Duplex Houses		15,000
20.	Eight (5-room) Cottages		52,000
21.	Improvements to Water System:		
	(a) Building	30,135	
	(b) Equipment	57,415	87,550
22.	Roads and Walks		20,000
23.	Incinerator		10,000
	Total New Projects		$ 942,570

Caswell Training School.

CASWELL TRAINING SCHOOL ..... $ 2,028,800

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1.	Remodeling Tapp Building:		
	(a) Building	60,000	
	(b) Equipment	1,500	
	Total	61,500	
	Less: 1947 Appropriation	36,500	25,000
2.	Renovation of Dawson, McNairy, Cartwright, Austin and Hospital Buildings	224,500	
	Less: 1947 Appropriation	132,000	92,500
3.	Renovation of First Floor Main Building	20,000	
	Less: 1947 Appropriation	10,000	10,000
4.	Repair Roof on Auditorium	20,000	
	Less: 1947 Appropriation	10,000	10,000
5.	Three (3) Staff Houses	45,000	
	Less: 1947 Appropriation	30,000	15,000
6.	Renovation of kitchen:		
	(a) Building	78,000	
	(b) Equipment	10,500	
	Total	88,500	
	Less: 1947 Appropriation	40,500	48,000
7.	Addition to children's dining room:		
	(a) Building	123,000	
	(b) Equipment	20,000	
	Total	143,000	
	Less: 1947 Appropriation	93,000	50,000
8.	Changing Leonard Hall into employes Cafeteria:		
	(a) Building	28,000	

	(b) Equipment	5,000	
	Total	33,000	
	Less: 1947 Appropriation	21,000	12,000
9.	Cold Storage Plant	65,000	
	Less: 1947 Appropriation	44,000	21,000
10.	General Storage Building	45,000	
	Less: 1947 Appropriation	30,000	15,000
11.	Milk Barn:		
	(a) Building	40,000	
	(b) Equipment	5,000	
	Total	45,000	
	Less: 1947 Appropriation	30,000	15,000
12.	Dairy and Feed Barn	40,000	
	Less: 1947 Appropriation	25,000	15,000
13.	Dormitory for Women Employes— (Capacity 75):		
	(a) Building	193,800	
	(b) Equipment	14,000	
	Total	207,800	
	Less: 1947 Appropriation	59,000	148,800
14.	Sweet Potato Curing House	10,000	
	Less: 1947 Appropriation	8,000	2,000
15.	Addition to Laundry:		
	(a) Building	20,000	
	(b) Equipment	8,000	
	Total	28,000	
	Less: 1947 Appropriation	18,000	10,000
16.	Dormitory:		
	(a) Building (Cap. 200)	400,000	
	(b) Equipment	12,500	412,500
17.	Dormitory		
	(a) Building (Cap. 200)	400,000	
	(b) Equipment	12,500	412,500

	Total to Supplement 1947 Permanent Improvement Appropriations		$ 1,314,300	
New projects.	NEW PROJECTS:			
	18. Two (2) Staff Houses (Doctors)		30,000	
	19. Two (2) Staff Houses (Other)		20,000	
	20. Two (2) Farm Houses		12,000	
	21. Eight (8) Staff Houses		40,000	
	22. Fifteen (15) Houses for Attendants		67,500	
	23. Tubercular Hospital:			
	(a) Building (Cap. 70)	209,000		
	(b) Equipment	8,000	217,000	
	24. Dormitory for Married Couples:			
	(a) Building	110,000		
	(b) Equipment	25,000	135,000	
	25. Milk Pasteurizing Plant		25,000	
	26. Incinerator		10,000	
	27. Extension of Water Mains and Hydrants		16,000	
	28. Additions to Water System		40,000	
	29. Expansion of Railroad Spur Track		12,000	
	30. Expansion of Steam and Sewerage Lines		90,000	
	Total New Projects		$ 714,500	
State Hospital at Butner.	STATE HOSPITAL AT BUTNER			$ 1,000,000
	For the following purposes:			
To supplement 1947 appropriations.	TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS FOR ACQUISITION AND DEVELOPMENT OF BUTNER		$ 500,000	
New projects.	NEW PROJECTS:			
	2. Admission and Treatment Center		500,000	
North Carolina Orthopedic Hospital.	NORTH CAROLINA ORTHOPEDIC HOSPITAL			$ 70,100
	For the following purposes:			
To supplement 1947 appropriations.	TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:			
	1. Storage Linen and Sewing Room	40,000		

	Less: 1947 Appropriation	20,000	20,000
2.	Duplex Apartment	35,000	
	Less: 1947 Appropriation	15,000	20,000
3.	Servants Quarters	23,600	
	Less: 1947 Appropriation	13,900	9,700
4.	Driveways and Walks	7,500	
	Less: 1947 Appropriation	2,000	5,500
5.	Occupational Therapy Workshop	17,900	
	Less: 1947 Appropriation	11,500	6,400
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 61,600

NEW PROJECTS: New projects.

6.	Reconditioning Refrigeration Plant		$ 8,500

NORTH CAROLINA SANATORIUM ..... $ 1,922,504 North Carolina Sanatorium.

For the following purposes:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS: To supplement 1947 appropriations.

1.	Incinerator	6,800	
	Less: 1947 Appropriation	4,000	2,800
2.	Fireproofing left wing, white division	437,000	
	Less: 1947 Appropriation	168,000	269,000
3.	Fireproofing left wing, negro division	388,000	
	Less: 1947 Appropriation	187,500	200,500
4.	Fireproofing center building, negro division	133,800	
	Less: 1947 Appropriation	64,500	69,300
5.	Dormitory for colored nurses	137,020	
	Less: 1947 Appropriation	80,600	56,420
6.	New Dietary Department		
	(a) Building	150,000	

	(b) Equipment	40,000	
	Total	190,000	
	Less: 1947 Appropriation	100,000	90,000
7.	Refrigeration	35,700	
	Less: 1947 Appropriation	21,000	14,700
8.	Utility Building and Laboratory	110,000	
	Less: 1947 Appropriation	40,000	70,000
9.	Replacing Hill-Burton Funds		201,534
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 974,254

New projects.

NEW PROJECTS:

10.	Sixteen (16) houses for whites	160,000
11.	Twenty-five (25) houses for colored	75,000
12.	Occupational Therapy and Rehabilitation Building	20,000
13.	Steam Lines to Colored Division	132,000
14.	Renovation of dormitory	40,000
15.	Renovation of Apartment house	10,000
16.	New wing (white department):	

The location of this building shall be determined by the Board of Directors of the North Carolina Sanatoria, subject to and only with the approval of the Advisory Budget Commission.

(a) Building (Cap. 100)	471,250	
(b) Equipment	40,000	511,250
Total New Projects		$ 948,250

Western North Carolina Sanatorium.

WESTERN NORTH CAROLINA SANATORIUM $ 1,405,883

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1.	Addition to Nurses Home	144,000

	Less: 1947 Appropriation	44,000	100,000
2.	Apartment House	80,000	
	Less: 1947 Appropriation	53,950	26,050
3.	Addition to third floor, Administration Building	30,000	
	Less: 1947 Appropriation	20,000	10,000
4.	Equipment Nurses Home and Apartment House	15,000	
	Less: 1947 Appropriation	10,000	5,000
5.	Superintendent's Residence	17,000	
	Less: 1947 Appropriation	12,000	5,000
6.	Physician's Residence	15,700	
	Less: 1947 Appropriation	9,000	6,700
7.	To replace Hill-Burton Funds		52,983
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 205,733

NEW PROJECTS: New projects.

7.	Power Plant Equipment and Alterations		53,300
8.	Additions to Laundry		10,250
9.	Laundry Equipment		18,500
10.	Home for Colored Employes (Cap. 50):		
	(a) Building	102,500	
	(b) Equipment	7,500	110,000
11.	Four residences for physicians		55,600
12.	Four houses for employes		40,000
13.	Five duplex houses for colored employes		44,800
14.	New wing (colored patients):		
	(a) Building (Cap. 150)	807,700	
	(b) Equipment	60,000	867,700
	Total New Projects		$ 1,200,150

Eastern Carolina Sanatorium.

EASTERN NORTH CAROLINA SANATORIUM ..... $ 2,818,908

For the following purposes:

To supplement 1947 appropriations.

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:

1.	New wing white patients:		
	(a) Building (Cap. 92)	452,750	
	(b) Equipment	27,000	479,750
2.	Service Building, Additions Kitchen and Dining Rooms:		
	(a) Building	484,350	
	(b) Equipment	50,000	534,350
3.	New Wing Negro Patients:		
	(a) Building (Cap. 220)	785,000	
	(b) Equipment	66,000	851,000
4.	Remodeling Negro Wing for employes' living quarters		110,000
5.	Garbage storage room		10,000
6.	Workshop and garage		12,000
7.	Radio and public address system		7,500
8.	Landscaping		30,000
9.	Incinerator		5,000
10.	To replace Hill-Burton Funds		335,889
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 2,375,489
	Less: 1947 Appropriations		672,481
	Total Supplement 1947 Permanent Improvement Appropriations		$ 1,703,008

New projects.

NEW PROJECTS:

11.	Roads and walks		15,000
12.	House for Superintendent		17,500
13.	Residence for Physician		15,700
14.	Three (3) residences for physicians		41,700
15.	New wing, white patients:		
	(a) Building (Cap. 200)	785,000	
	(b) Equipment	66,000	851,000

16. Increase in power plant and utilities		65,000		
17. Nurses' Home:				
(a) Building	100,000			
(b) Equipment	10,000	110,000		
Total New Projects		$ 1,115,900		
STONEWALL JACKSON TRAINING SCHOOL			$ 195,650	Stonewall Jackson Training School.
For the following purposes:				
TO SUPPLEMENT THE 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:				To supplement 1947 appropriations.
1. Central Dining Hall, Bakery, and Refrigeration:				
(a) Building	125,000			
(b) Equipment	40,000			
Total	165,000			
Less: 1947 Appropriation	125,000	40,000		
Total to Supplement 1947 Permanent Improvement Appropriations		$ 40,000		
NEW PROJECTS:				New projects.
2. Six (6) Staff Houses		45,000		
3. Convert Dormitory into four (4) Apartments		12,000		
4. Addition to trades building		50,000		
6. Print plant equipment		14,650		
7. Cannery equipment		4,000		
8. Laundry equipment		30,000		
Total New Projects		$ 155,650		
STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS			$ 639,500	State Home and Industrial School for Girls.
For the following purposes:				
TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:				To supplement 1947 appropriations.
1. Two (2) dormitories and equipment	200,000			
Less: 1947 Appropriation	150,000	50,000		
2. Cold Storage, Milk Handling Equipment and Cannery	54,500			

	Less: 1947 Appropriation	42,000	12,500	
	Total to Supplement 1947 Permanent Improvement Appropriations		$ 62,500	
New projects.	NEW PROJECTS:			
	3. Three Dormitories: (a) Buildings and Equipment (Cap. 120)		300,000	
	4. Administration Building		150,000	
	5. Vocational Shop		60,000	
	6. Farm buildings—poultry, hogs and tools		15,000	
	7. Garage		2,000	
	8. Sewer and water improvements		50,000	
	Total New Projects		$ 577,000	
Morrison Training School.	MORRISON TRAINING SCHOOL			$ 300,500
	For the following purposes:			
New projects.	NEW PROJECTS:			
	1. Deep well and pump		8,000	
	2. Two (2) dormitories (Cap. 100): (a) Building	143,500		
	(b) Equipment	6,500	150,000	
	3. Gymnasium: (a) Building	$ 96,000		
	(b) Equipment	4,000	100,000	
	4. Outdoor swimming lakes		5,000	
	5. Two (2) staff houses (Cap. 2 families each)		20,000	
	6. Garage		4,000	
	7. Repairing McLean and hospital buildings		10,000	
	8. Boiler room at hospital		2,500	
	9. Laundry room at teachers' cottage		1,000	
Eastern Carolina Training School.	EASTERN CAROLINA TRAINING SCHOOL			$ 50,000
	For the following purposes:			
New projects.	NEW PROJECTS:			
	1. Swimming pool		$ 50,000	
State Training School for Negro Girls.	STATE TRAINING SCHOOL FOR NEGRO GIRLS			$ 290,000

For the following purposes:

TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS: To supplement 1947 appropriations.

1. Two (2) dormitories and equipment	200,000	
Less: 1947 Appropriation	150,000	50,000

NEW PROJECTS: New projects.

2. Sewage disposal system		30,000
3. School building, auditorium and gymnasium:		
(a) Building	150,000	
(b) Equipment	25,000	175,000
4. Staff house:		
(a) Building	30,000	
(b) Equipment	5,000	35,000
Total New Projects		$ 240,000

DEPARTMENT AND AGENCIES
MEDICAL CARE COMMISSION ..... $ 6,826,972 Departments and agencies. Medical Care Commission.

For the following projects:

1. For the Biennium 1949-51 for sharing in the Cost of the Construction of Local Hospitals and Health Centers ..... $ 6,826,972

The appropriations made by this Act to the Medical Care Commission for the specific purposes of local hospitals and health centers shall be made available to local hospitals and health centers to the extent that under the law and rules and regulations of the Medical Care Commission the same may be used to help defray the cost of the construction of such projects without being conditioned upon appropriations and contributions from the Federal Government, and those instances in which local authorities can provide the balance of the cost of local hospitals and health centers and decide to proceed without contributions of Federal funds.

DEPARTMENT OF CONSERVATION AND DEVELOPMENT ..... $ 1,074,144 Department of Conservation and Development.

For the following projects:

IMPROVEMENTS TO STATE PARKS: Improvements to State Parks.

1. Cliffs of the Neuse State Park: Cliffs of the Neuse State Park.

(1) Public camp grounds	14,875
(2) Recreation lodge	47,500
(3) Recreation lodge equipment	5,000
(4) Sewage disposal system	3,700

	(5) Water supply system		14,100
	Total Cliffs of Neuse State Park	$	85,175
Crabtree Creek State Park.	2. Crabtree Creek State Park:		
	(1) Public picnic grounds (for whites)		20,037
	(2) Bath house (for whites)		35,000
	(3) Swimming pool (for whites)		50,000
	(4) Sewage disposal system		6,100
	(5) Water supply system		25,500
	(6) Public picnic grounds (for colored)		16,662
	(7) Bath house (for colored)		31,000
	(8) Swimming pool (for colored)		40,000
	(9) Sewage disposal system		5,500
	(10) Water system		24,900
	(11) Roads to recreational areas		15,750
	(12) Parking areas		10,000
	(13) Power line		8,000
	(14) Maintenance and service center		19,680
	(15) Public camp grounds		9,420
	Total Crabtree Creek State Park	$	317,549
Fort Macon State Park.	3. Fort Macon State Park:		
	(1) Enlarge bathhouse	$	8,000
	(2) Parking areas		5,300
	(3) Public picnic grounds		12,150
	(4) Sewage disposal system		4,500
	(5) Water supply system		5,600
	(6) Roads		5,000
	(7) Power line		5,200
	Total Fort Macon State Park	$	45,750
Hanging Rock State Park.	4. Hanging Rock State Park:		
	(1) Purchase of land (200 acres)		6,000
	(2) Roads		24,140
	(3) Recreational lodge		21,000
	(4) Recreational lodge equipment		2,000
	(5) Parking areas		4,125
	(6) Sewage disposal system		7,500
	(7) Water supply system		3,000
	(8) Maintenance and service center		9,650
	(9) Power line		10,400

(10) Telephone line		1,700
(11) Public camp grounds		4,900
(12) Public picnic grounds		28,875
Total Hanging Rock State Park	$	123,290

5. Hiwassee Lake State Park: — Hiwassee Lake State Park.

(1) Recreation lodge	$	47,500
(2) Recreation lodge equipment		5,000
(3) Public camping grounds		17,400
(4) Parking areas		8,125
(5) Rebuilding roads (3 miles)		10,500
(6) Roads (1 mile)		8,000
(7) Public picnic grounds		14,000
(8) Sewage disposal system		4,500
(9) Water supply system		2,000
(10) Telephone lines		1,700
Total Hiwassee State Park	$	118,725

6. Jones Lake Recreational Area: — Jones Lake Recreational Area.

(1) Public picnic grounds		9,225
(2) Roads		3,750
(3) Maintenance and service center		13,080
(4) Addition to bathhouse		4,500
(5) Swimming pier		5,100
(6) Sewage disposal system		4,500
(7) Water supply system		6,200
Total Jones Lake Recreational Area	$	46,355

7. Morrow Mountain State Park: — Morrow Mountain State Park.

(1) Enlarging recreational lodge		6,500
(2) Improving roads		8,875
(3) Sewage disposal system		5,250
(4) Water supply system		2,200
(5) Power line		4,200
(6) Boats		1,600
(7) Parking areas		4,000
(8) Maintenance and service center		18,050
(9) Public picnic grounds		17,575
Total Morrow Mountain State Park	$	68,250

8. Mount Mitchell State Park: — Mount Mitchell State Park.

(1) Purchase of land		20,000
(2) Tourist Inn		133,000
(3) Tourist Inn equipment		15,000

	(4) Sewage disposal system	12,000	
	(5) Water supply system	9,700	
	(6) Telephone line	7,000	
	(7) Parking areas	12,000	
	Total Mount Mitchell State Park	$ 208,700	
Pettigrew State Park.	9. Pettigrew State Park:		
	(1) Public camp grounds	13,500	
	(2) Bathhouse	3,300	
	(3) Boats	2,000	
	(4) Maintenance and service center	13,650	
	Total Pettigrew State Park	$ 32,450	
Town Creek Indian Mound.	10. Town Creek Indian Mound:		
	(1) Excavation and research	$ 9,600	
	(2) Purchase of land	2,000	
	(3) Archeological restoration	13,300	
	(4) Parking areas	3,000	
	Total Town Creek Indian Mound	$ 27,900	
Board of Public Buildings and Grounds.	BOARD OF PUBLIC BUILDINGS AND GROUNDS		$ 2,051,500
	For the following purposes:		
To supplement 1947 appropriations.	TO SUPPLEMENT 1947 PERMANENT IMPROVEMENT APPROPRIATIONS:		
	1. Additions to Education Building 800,000		
	Less: 1947 Appropriation 500,000	300,000	
	Total to Supplement 1947 Permanent Improvement Appropriations	$ 300,000	
New projects.	NEW PROJECTS:		
	2. Renovation of Library Building	151,500	
	3. Addition to Agriculture Building	1,000,000	
	4. Health and General Office Building	600,000	
	Total New Projects	$ 1,751,500	
University of N. C.—Dental School.	UNIVERSITY OF NORTH CAROLINA—DENTAL SCHOOL		$ 1,000,000
Department of Agriculture—State Fair.	DEPARTMENT OF AGRICULTURE—STATE FAIR		1,985,000

For the following purposes:

1. Coliseum	1,257,000		
2. Livestock barns	90,000		
3. Housing	56,000		
4. State and County Exhibit Building	364,000		
5. Zoological and Botanical Buildings	118,000		
6. Paving roads (2 miles)	100,000		
COMMERCIAL FISHERIES		50,000	Commercial fisheries.
1. Patrol boat	50,000		

Transfer and changes between appropriations.

SEC. 5. That the Director of the Budget is hereby authorized and empowered to make transfers and changes between the appropriations made in this Act, within the appropriations made to each agency, to provide changes to permit completion of the projects as described in the appropriations.

Expenditure of appropriations.

SEC. 5½. That the appropriations for permanent improvements in this Act shall not be expended for any project not specifically set out in the appropriations for various agencies of the State and that the projects as set out in the detailed appropriations for each agency shall not be increased in size, or to a more expensive type of construction, above that proposed in the requests for permanent improvement appropriations or as proposed by the recommendations of the Advisory Budget Commission as expressed in these appropriations or as limited or changed by the Legislature, and that any unexpended balances of these appropriations shall be reverted to the General Fund of the State when these projects are completed.

Power of institutions, etc., to apply for Federal grants in aid.

SEC. 6. That the several institutions, departments and agencies of the State are hereby fully authorized and empowered to make application or applications to any agency or agencies of the United States of America for grants in aid for the construction of the several purposes mentioned in this Act and to receive and expend the same in accordance with the terms of such grants and in conformity with the laws of this State, and may employ architects, engineers, and make all necessary contracts in connection with the said projects, and shall have further authority to acquire the necessary sites for the construction of such improvements. The Governor, or such agency or person as may be designated by him, is fully authorized and empowered to make applications to and receive such grants in aid as may be made by any agency or agencies of the United States of America for the construction and renovation of buildings and improvements referred to in this Act, and equipping the same and acquiring sites therefor.

Employment of architects, etc.

Authority to apply for and receive grants in aid.

Board of Public Buildings and Grounds, powers and duties.

SEC. 7. That the Board of Public Buildings and Grounds is hereby authorized, empowered and directed to erect and equip the buildings and structures of the State for which appropriations are made in this Act, and to acquire the necessary sites therefor.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 33 CHAPTER 1249

AN ACT TO MAKE APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

GENERAL FUND

Biennial appropriations.

SECTION 1. That appropriations out of the General Fund of the State for the maintenance of the State's departments, bureaus, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June 30th, 1950 and June 30th, 1951 respectively, according to the following schedule:

Legislative.

I. LEGISLATIVE

	1949-50	1950-51
1. General Assembly	$	$ 225,000

Judicial.

II. JUDICIAL

1. Supreme Court—Justices	100,800	100,800
2. Supreme Court—Departmental Expense	55,967	55,967
3. Supreme Court—Printing Reports and Reprints	16,000	16,000
4. Superior Courts—Judges	355,232	355,232
5. Superior Courts—Solicitors	168,000	168,000

Executive and administrative.

III. EXECUTIVE AND ADMINISTRATIVE

1. Governor's Office:		
(1) Governor's Office	58,406	58,500
(2) The Budget Bureau	92,330	105,480

		1949-50	1950-51
	(3) Division of Purchase and Contract	83,697	83,697
	(4) Salary Lieutenant Governor	2,100	2,100
	(5) State Personnel Department	54,897	59,958
2.	Secretary of State	67,554	57,724
3.	State Auditor	120,066	119,966
4.	State Treasurer	100,736	98,761
5.	Department of Justice:		
	(1) Attorney General	85,272	86,472
	(2) Bureau of Investigation	166,173	162,473
	(3) General Statutes Commission		
6.	Department of Revenue	1,630,910	1,624,210
7.	Department of Tax Research	68,973	73,133
8.	Department of Public Instruction	252,505	251,005
9.	Department of Archives and History	67,361	82,295
10.	State Library	22,372	22,922
11.	Library Commission	33,261	33,261
12.	Board of Public Welfare	218,218	218,268
13.	State Board of Health	1,939,386	1,937,581
14.	Adjutant General	293,944	293,932
15.	Utilities Commission	213,754	207,354
16.	Insurance Department	215,176	215,176
17.	Department of Labor:		
	(1) Department of Labor	281,834	281,735
	(2) Industrial Commission	170,802	166,562
18.	Department of Conservation and Development:		
	(1) Department of Conservation and Development	1,287,026	1,290,526
	(2) Commercial Fisheries	58,750	58,750
	(3) Fisheries Research	25,000	25,000
	To be used under the supervision and direction of the University of North Carolina.		
19.	State Board of Elections	18,392	19,392
20.	Local Government Commission	37,772	37,572
21.	Department of Agriculture Contribution from General Fund	284,531	716,925
22.	Board of Public Buildings Grounds	264,208	256,433
23.	State Board of Alcoholic Control	128,032	128,032
24.	Employment Security Commission	80,762	80,762
25.	State Commission for the Blind	581,335	581,335
26.	Rural Electrification Authority	27,180	27,180
27.	Merit System Council	24,745	24,520
28.	N. C. Veterans Commission	219,268	219,118
29.	State Recreation Commission	26,818	26,818
30.	North Carolina Medical Care Commission—Administration	107,288	107,288

		1949-50	1950-51
31.	Retirement Teachers and State Employees—Administration	104,760	105,510
32.	North Carolina State Ports Authority	50,000	50,000

Educational institutions.

IV. EDUCATIONAL INSTITUTIONS

1.	University of North Carolina (Consolidated):		
	(1) General Administration	$ 37,030	$ 37,030
	(2) University of North Carolina	2,371,317	2,629,497
	(1) School of Medicine	422,713	522,713
	(2) School of Dentistry	65,700	62,650
	(3) State College of Agriculture and Engineering	1,808,283	1,974,958
	(4) The Woman's College	1,095,173	976,123
2.	Experiment Station—State College	1,145,592	1,116,422
3.	Cooperative Agricultural Extension—State College	1,343,245	1,341,745
4.	East Carolina Teachers College	499,803	454,463
5.	Negro Agricultural and Technical College	530,746	534,846
6.	Western Carolina Teachers College	254,232	244,362
7.	Appalachian State Teachers College	325,802	313,352
8.	Pembroke State College for Indians	95,139	91,139
9.	Winston-Salem Teachers College (Colored)	165,788	164,988
10.	Elizabeth City State Teachers College (Colored)	181,847	139,747
11.	Fayetteville State Teachers College (Colored)	154,643	154,843
12.	North Carolina College at Durham (Colored)	542,703	535,523
13.	North Carolina School for the Deaf	421,213	406,313
14.	State School for the Blind and the Deaf:		
	(1) State School for the Blind and the Deaf	440,692	433,042
	(2) Blind Student Aid	2,400	2,400

Charitable and correctional institutions.

V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

1.	State Hospitals:		
	(1) General Administration	$ 33,588	$ 33,588
	(2) State Hospital at Raleigh	2,111,652	2,065,102
	(3) State Hospital at Morganton	2,131,008	2,124,458
	(4) State Hospital at Goldsboro	1,039,659	1,028,631
	(5) Caswell Training School	599,944	724,449
	(6) State Hospital at Butner	1,732,572	1,888,222
	(7) Mental Hygiene	20,000	30,000

	1949-50	1950-51
2. North Carolina Orthopedic Hospital	359,842	270,367
3. North Carolina Sanatoria:		
(1) North Carolina Sanatorium	970,842	1,092,728
(2) Extension Bureau	65,741	65,156
(3) Western North Carolina Sanatorium	480,375	526,475
(4) Eastern North Carolina Sanatorium	382,105	530,711
4. Correctional Institutions:		
(1) General Administration	16,899	16,899
(2) Stonewall Jackson Training School	263,446	261,196
(3) State Home and Industrial School for Girls	143,394	136,944
(4) Morrison Training School	137,526	133,676
(5) Eastern Carolina Training School	124,642	93,222
(6) State Training School for Negro Girls	62,378	67,378
5. North Carolina Hospital for Spastic Children	100,000	150,000
6. Confederate Women's Home	44,075	39,625
7. Oxford Orphanage	47,500	47,500
8. Junior Order Orphanage	50,000	50,000
9. Oxford Colored Orphanage	62,500	62,500
10. Phythian Orphanage	10,000	10,000
11. Odd Fellows Orphanage	10,000	10,000
12. Alexander Schools, Inc. (Union Mills, N. C.)	10,000	10,000

VI. STATE AID AND OBLIGATIONS

State Aid and Obligations.

1. Board of Public Welfare:		
(1) Care of Dependent Children	$ 25,000	$ 25,000
(2) Old Age Assistance	2,624,000	2,624,000
(3) Aid to Dependent Children	1,467,500	1,467,500
(3½) General Assistance	350,000	350,000

"That said funds will become available only in case Federal matching funds are made available for welfare for those between the ages of 16 and 65."

(4) Aid to County Welfare Administration	300,000	300,000
2. Board of Health for Orthopedic Clinics	6,000	6,000
3. Industrial Rehabilitation	20,000	20,000
4. Fugitives from Justice	3,000	3,000
5. Landscrip Fund	7,500	7,500
6. Firemen's Relief	1,750	1,750
7. Bennett Memorial	50	50

		1949-50	1950-51
8.	Confederate Museum	200	200
9.	Confederate Cemetery	350	350
10.	Retirement Teachers and State Employees—State's Contribution	7,622,415	7,692,490
11.	State Aid to Public Libraries	350,436	350,436
12.	State Art Society	6,000	6,000
13.	North Carolina Symphony Orchestra	15,000	15,000
14.	State Soil Conservation Committee	10,000	10,000
15.	State Property Fire Insurance Fund	200,000	200,000
16.	Medical Care Commission—Indigent Care	350,000	350,000
17.	North Carolina National Park, Parkway and Forest Development Commission	6,446	6,446

Pensions.

VII. PENSIONS

1.	Confederate Veterans and Widows	256,132	204,922
2.	Annie Burgin Craig	2,400	2,400
3.	Mrs. C. B. Aycock, Sr.	2,400	2,400
4.	Mrs. W. W. Kitchin	2,400	2,400
5.	Teachers who had attained age 65 at March 10, 1943	72,000	72,000

Contingency and Emergency.

VIII. CONTINGENCY AND EMERGENCY

1.	To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made, or for which inadvertently an insufficient appropriation has been made hereunder. Allotments to be made from this appropriation under the provisions of Section 12 of Article 1 of Chapter 143 of the General Statutes of North Carolina, or of such other statute as may be applicable	$ 1,000,000	$ 1,000,000

Public schools.

IX. PUBLIC SCHOOLS

1.	Support of Nine Months Term	82,273,494	83,520,899
2.	State Board of Education	178,725	176,075
3.	Vocational Education	2,421,902	2,470,685
4.	Purchase of Free Textbooks	900,000	900,000
5.	Vocational Textile Training School	41,936	38,811
6.	Purchase of School Buses	2,040,000	2,215,000

X. DEBT SERVICE

Debt Service.

	1949-50	1950-51
1. Redemption Special School Building Bonds	100,788	243,183
2. Interest on Bonds	400,000	650,000
3. Redemption of Bonds	----------	1,625,000

XA. MERIT SALARY INCREASES

Merit Salary Increases.

1. Merit Salary Increases	----------	900,000

AGRICULTURE FUND

Agriculture Fund.

SEC. 2. That appropriations out of the Agriculture Fund of the State for maintenance of agricultural activities are hereby made for the two fiscal years ending June 30th, 1950 and June 30th, 1951, respectively, according to the following schedule:

XI. AGRICULTURE

Agriculture.

	1949-50	1950-51
1. Department of Agriculture	$ 1,142,791	$ 1,145,091
2. State Fair (The appropriations under Title XI-1 may be increased under authorization by the Director of the Budget as realized receipts or accrued surplus of the Agriculture Fund may justify. The State Fair under Title XI-2 may be operated within its own receipts in the discretion of the State Board of Agriculture.)		

HIGHWAY AND PUBLIC WORKS FUND

Highway and Public Works Fund.

SEC. 3. That appropriations out of the Highway and Public Works Fund of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June 30th, 1950 and June 30th, 1951, respectively, according to the following schedule:

XII. HIGHWAY AND PUBLIC WORKS

Highway and Public Works.

	1949-50	1950-51
1. Administration	$ 353,557	$ 346,057
2. Department of Motor Vehicles, Highway Patrol, Drivers License and Safety Promotion	3,878,512	3,983,512
3. Maintenance of State Highways: (1) Regular Maintenance	7,000,000	7,000,000
4. Maintenance and/or Construction Highways	16,000,000	16,000,000

	1949-50	1950-51
5. Betterments State and County Highways:		
(1) General Betterments	1,500,000	1,500,000
(2) Retreatments	2,250,000	2,500,000
(3) County Roads	10,000,000	10,000,000
6. Construction State and County Highways:		
(1) To Match Federal Aid	11,000,000	11,000,000
7. Scenic Highway	200,000	200,000
8. Maintenance of Highways in Cities and Towns	2,500,000	2,500,000
9. Probation Commission	160,760	160,760
10. Parole Commission	131,300	131,300
11. Bus Investigations	144,150	103,150
12. Employers' Contribution to Retirement System	900,000	900,000
Merit Salary Increases		611,000

Debt Service, Highway Fund.

XIII. DEBT SERVICE (HIGHWAY FUND)

1. Interest on Bonds	$ 1,462,802	$ 1,368,458
2. Sinking Fund Installments	500,000	500,000
3. Redemption of Bonds	2,075,000	2,572,000

(Transfers or changes may be made to and/or from Titles XII-3, 4 and 5 under authorization by the Director of the Budget; *provided,* no item shall be reduced more than fifteen per cent (15%).

Availability of funds in excess of appropriations.

(*Provided,* in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations herein made, such excess may be made available by the Director of the Budget for expenditures either in the current or next succeeding year under Titles XII-1, 3, 4, 5 and 6.)

Preference to secondary roads.

(*Provided further,* that preference shall be given what is commonly known as secondary roads in the expenditure of any such increased appropriations.)

State-wide development of public roads and facilities.

(*Provided, however,* that it is the intent and purpose of the General Assembly that the State Highway and Public Works Commission shall give preference in the expenditure of the items of construction and State and County betterments for the extension and improvements of the public roads and bridge facilities of those sections of the State that have not heretofore been accorded equal opportunities in the development of the highway system, to the end that all sections of the State may, in so far as possible, be provided with benefits of an improved highway system.)

(The appropriations made herein to Titles XII-3 and 4 include twenty-five thousand dollars ($25,000.00) for each year, to be transferred or paid to the State Hospital at Raleigh, and include eighteen thousand dollars ($18,000.00) for each year to be transferred or paid to the State Hospital at Goldsboro for care, custody and treatment of the criminally insane, and include twenty-one thousand and nine hundred dollars ($21,900.00) for each year to be transferred or paid to the North Carolina Sanatorium for care, custody and treatment of the prisoners who have tuberculosis.)

Appropriation for care of criminally insane.

Appropriation for care and treatment of prisoners with tuberculosis.

SEC. 4. That fees or compensations to be paid to members of boards or commissions for attendance out of or under the appropriations made in Section 1, 2 and 3 of this Act shall be fixed at rates per diem as shown in the following schedule:

Per diem compensation for certain board and commission members.

Advisory Budget Commission, seven dollars ($7.00) and necessary travel expenses.

State Board of Education, seven dollars ($7.00) and necessary travel expenses.

State Highway and Public Works Commission, seven dollars ($7.00) and necessary travel expenses.

State Board of Alcoholic Control, seven dollars ($7.00) and necessary travel expenses.

State Board of Agriculture, seven dollars ($7.00) and necessary travel expenses.

State Board of Health, seven dollars ($7.00) and necessary travel expenses.

State Board of Elections, seven dollars ($7.00) and necessary travel expenses.

Medical Care Commission, seven dollars ($7.00) and necessary travel expenses.

State Hospitals Board of Control, seven dollars ($7.00) and necessary travel expenses.

Board of North Carolina Hospital for Treatment of Spastic Children, seven dollars ($7.00) and necessary travel expenses.

State Board of Correction and Training, seven dollars ($7.00) and necessary travel expenses.

All other boards and commissions, including those governing the institutions, but not including such as its members are now serving without compensation, five dollars ($5.00) per day and necessary travel expenses in accordance with the following schedule.

Travel expenses and subsistence allowance.

Travel expenses allowed board members shall be as follows: For transportation, using personally owned automobile, seven cent (7c) per mile of travel; for bus, railroad and pullman, or other public conveyance, actual fare; for subsistence—hotel and meals—actual amount expended but not in excess of seven dollars ($7.00) per day.

Appropriations herein made in lieu of appropriations under Revenue Act.

SEC. 5. That appropriations provided in this Act shall be in lieu of all appropriations or allowances for the Alcoholic Beverage Control Board, the Department of Revenue, or any other board, bureau or agency of the State by the Revenue Act, Chapter 158 of the Public Laws of 1939 as amended.

General provisions.

GENERAL PROVISIONS

Restrictions on allowances for travel expenses.

SEC. 6. That allowances out of or under the appropriations made in Sections 1, 2 and 3 of this Act and out of receipts of departments and agencies operating out of their own receipts for travel expenses cover only ordinary field travel and occasional travel in connection with the work of the department, institution, or agency, and shall be so limited, unless provision is made through a travel authorization by the Director of the Budget for out-of-State travel. Allowances covering only actual expenses, shall not be made in excess of the following:

Schedule of subsistence and expense allowances.

"For Subsistence—hotel and meals, actual expenses not to exceed seven dollars ($7.00) per day; for out of State travel when authorized, actual expenses not to exceed ten dollars ($10.00) per day; for transportation, using personally owned automobile, seven cents (7c) per mile of travel; for bus, railroad, pullman, or other public conveyance, actual fare."

Insurance and bonds.

SEC. 7. That all insurance and all official, fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be liquidated by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

Special provisions.

SPECIAL PROVISIONS

Cost of audits of books, etc., of State Highway and Public Works Commission.

SEC. 8. That the cost of all audits made by the State Auditor of the books and accounts of the State Highway and Public Works Commission under Section 24 of Chapter 2 of the Public Laws of 1921, which cost is hereby fixed at three thousand and five hundred dollars ($3,500.00) for each year, shall be paid out of the funds of the State Highway and Public Works Commission. Such audits shall be made by the State Auditor and members of his staff.

Miscellaneous expenses.

SEC. 9. That all expenses of every kind, and including a reasonable charge by the Board of Public Buildings and Grounds for the use of offices, occupancy and telephone service, by the Banking Department, shall be paid out of fees collected under

Chapter 53, Section 122, of the General Statutes of North Carolina.

Appropriations to schools for blind and deaf.

SEC. 10. That appropriations made to the North Carolina School for the Deaf under Title IV-13 and to the State School for the Blind and the Deaf under Title IV-14-(1) Section 1 of this Act, include provisions for the cost of clothing and transportation for indigent pupils. The institution shall be reimbursed for these items by the counties liable therefor under the provisions of Chapter 116, Section 118, of the General Statutes of North Carolina.

Availability of appropriations to Oxford Colored Orphanage.

SEC. 11. That appropriations made to the Oxford Colored Orphanage under Title V-9, Section 1, of this Act shall be available only if and when the expenditure shall be recommended by the trustees of the institution appointed by the Governor of the State, and the expenditures shall be under the supervision of said trustees.

Appropriations for Old Age Assistance and Aid to Dependent Children.

SEC. 12. That appropriations made to the Board of Public Welfare for Old Age Assistance under Title VI-1-(2), and for Aid to Dependent Children under Title VI-1-(3) of Section 1 of this Act are declared to be for such sums which, added to the unexpended balances remaining in the appropriation for the said purposes for the biennium of 1947-49 at the end of said biennium, shall be equal to the sum of two million six hundred and twenty-four thousand dollars ($2,624,000.00), for each year of the biennium, for Old Age Assistance, and one million four hundred and sixty-seven thousand five hundred dollars ($1,467,500.00), for each year of the biennium, for Aid to Dependent Children.

Allocations to meet contributions under Teachers' and State Employees' Retirement Act.

SEC. 13. That the Director of the Budget is authorized, empowered and directed to allocate out of the Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the contributions necessary to be made in order to comply with the Act creating the Teachers' and State Employees' Retirement System.

N. C. Industrial Commission receipts paid into General Fund.

SEC. 14. That receipts of the North Carolina Industrial Commission collected under Section 100, Subsection (j) of Chapter 97 of the General Statutes of North Carolina originally credited as allotment deposits to the appropriation account of the North Carolina Industrial Commission, shall be collected as provided by law, but shall be deposited to the credit of the State Treasurer as General Fund revenue. In lieu of these receipts from the tax on self-insurer, sufficient appropriation out of General Fund revenue to operate the commission is provided. It is the intent of the General Assembly to remove the uncertainty from the operations of the commission and to stabilize on a definite appropriation basis.

Appropriations for operation of Commission.

Duties imposed on Industrial Hygiene Division, Board of Health.

SEC. 15. Whereas the appropriations heretofore made to the Industrial Commission for carrying out the provisions of the Workmen's Compensation Act as pertaining to occupational disease work or industrial hygiene work has been transferred to the State Board of Health because of Federal grants of funds, and since the responsibility for this work remains in the Industrial Commission, the following requirements of the Board of Health - Industrial Hygiene Division are enacted:

Occupational disease work.

Supervision by Industrial Commission.

That the Industrial Hygiene Division of the State Board of Health is required to carry out all the provisions of the Workmen's Compensation Act as to occupational disease work under the direction and supervision of the Industrial Commission and that the Board of Health shall file with the Industrial Commission sufficient reports to enable it to carry out the provisions of the occupational disease law. After all occupational disease work has been completed as may be required by the Industrial Commission, the Board of Health may use the services of the Industrial Hygiene Division for any other work as may be found to be expedient and necessary.

Appropriation to Employment Security Commission.

SEC. 16. That the appropriations made for the Employment Security Commission under Section 1, Title III-24 of this Act are to provide the amounts required for each year of the biennium by Federal law for the operation of the Employment Service.

Appropriations for purchase of school buses declared permanent.

Transfer to reserve account.

SEC. 17. That appropriations made for the purchase of public school buses under Title IX-6 shall be permanent appropriations, not reverting to the General Fund at the end of the biennium 1949-51. These appropriations shall be transferred to a reserve account at the end of each fiscal year of the biennium and shall be held, along with any other funds that may have or hereafter be appropriated for the purchase of public school buses, until such time as it is possible to replace the school buses which are rapidly being worn out. It is the intent to provide a reserve out of the normal appropriations for the replacement of the school buses.

Reserve for replacements.

Transfer of appropriations for State Hospital at Butner.

SEC. 18. That the amounts included in the appropriations for the State Hospital at Butner under Title V-1-(6) for the care of the feeble minded may be transferred by the Director of the Budget to Caswell Training School when provision for the care and treatment of those temporarily transferred to Butner Hospital is made through construction of adequate facilities under the permanent improvement program.

Surplus or additional revenues accruing to Highway Fund applied to redemption of highway bonds.

SEC. 18½. The Director of the Budget is authorized and directed to set up out of any surplus accrued or accruing to the Highway Fund or out of any additional revenues collected for the Highway Fund or to transfer from any funds appropriated in this Act for highway purposes sufficient funds to provide the interest or bond redemption requirements that may be necessary to be paid during the biennium 1949-51 on any Highway Bonds

that may be voted by the people and issued by the Governor and Council of State.

INCREASING SALARIES AND WAGES

Increasing salaries and wages.

SEC. 19. That the costs of all salaries and wages to be paid out of or under the appropriations made in Sections 1, 2, and 3 of this Act, or to be paid out of any expendable receipt, to officers, employees, and agents of the State, or any of its departments, bureaus, institutions, public schools and agencies, other than salaries of officers fixed by statutes, are hereby increased to such sums as are provided under the appropriations in this Act for the biennium 1949-51, except as herein otherwise provided.

Increase of salaries and wages of employees by departmental action.

(a) Within the amounts provided in the estimates and the intentions expressed the Director of Personnel for the departments, bureaus, and other agencies coming within the Personnel Act, and the several boards or commissions for institutions and agencies, as are so governed, shall increase and adjust the salaries and wages of all officers, employees, and agents under their respective jurisdictions.

Merit salary increases.

SEC. 19½. That appropriations included in this Act for merit salary increases shall be transferred by the Assistant Director of the Budget to the various departments and agencies of the State at the beginning of the fiscal year 1950-51 upon statements of the Division of Personnel of the amounts allocated to each agency for merit salary increases.

Appropriations for fire prevention and control.

SEC. 20. The funds appropriated for the Department of Conservation and Development for fire prevention and control shall not be expended in any county unless said county shall contribute at least 25% of the total cost of such fire prevention program.

Additional increase in salaries of public school teachers.

SEC. 20½. Salaries and wages of public school teachers shall be increased by an additional amount sufficient to bring the salary schedule of teachers holding A grade certificates to a range of $2200 to $3100 for the fiscal years 1949-50 and 1950-51, *provided* the revenues and surplus of the General Fund shall be sufficient to provide for the increases. *Provided however*, that in the event funds are not sufficient to provide the full increase, an increase shall be given, in multiples of two per cent (2%), in accordance with availability of funds. The increase shall be paid as of June 30th of each fiscal year after the surplus has been determined and upon application being made by the State Board of Education. Such payments shall not be subject to the provisions of the law creating the Teachers and State Employes Retirement System.

Contingent minimum salary schedule for teachers holding grade "A" certificates.

Increase of appropriations for public schools by allocations from general fund.

The Director of the Budget and the Advisory Budget Commission are authorized and empowered to increase the appropriations for public schools out of the General Fund by the amounts necessary to provide for payment of this additional salary, if revenues and surplus are sufficient to meet the provisions of this Section.

EFFECTIVE

Executive Budget Act reenacted.

SEC. 21. That the provisions of the Executive Budget Act, Chapter 143, Article I. General Statutes of North Carolina, are reenacted and shall remain in full force and effect.

Partial invalidity section.

SEC. 22. That if any Section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of the Act as a whole or any part other than the part so decided to be unconstitutional or invalid.

Ch. 6, Session Laws, 1943, repealed.

SEC. 22½. Chapter 6 of the Session Laws of 1943, as amended by Chapter 325 of the Session Laws of 1947, is hereby repealed.

Appropriation from post-war reserve fund for school plant facilities.

There is hereby appropriated from the Post-War Reserve Fund the sum of twenty-five million dollars ($25,000,000.00) to be used for the purpose of aiding the various counties of the State in the construction, improvement and repair of school plant facilities.

Expenditure of appropriation.

This appropriation of twenty-five million dollars ($25,000,000.00) shall be used and expended under the terms and provisions of House Committee Substitute for Senate Bill No. 203, as amended; and House Committee Substitute for Senate Bill No. 203, as amended, is hereby amended by striking out the words and/or figures fifty million dollars ($50,000,000.00) wherever the same appear in said House Committee Substitute for Senate Bill No. 203, as amended, and inserting in lieu thereof the words and/or figures twenty-five million dollars ($25,000,000.00).

Ch. 1020, Session Laws, 1949, amended to decrease amount of bond issue for school plant construction, etc.

Intent of section.

It is the intent and purpose of this Act to provide from the Post-War Reserve Fund the sum of twenty-five million dollars ($25,000,000.00) to aid the various counties of the State in the construction, improvement and repair of school plant facilities as provided in House Committee Substitute for Senate Bill No. 203, as amended, and to reduce to twenty-five million dollars ($25,000,000.00) the amount of the bond issue which is to be submitted to the voters of the State pursuant to the provisions of House Committee Substitute for Senate Bill No. 203, as amended. The total amount of the bonds which may be issued pursuant to the provisions of House Committee Substitute for Senate Bill No. 203, as amended, shall not exceed twenty-five million dollars ($25,000,000.00).

SEC. 23. This Act shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 52 **CHAPTER 1250**

AN ACT TO AUTHORIZE THE ISSUANCE OF TWO HUNDRED MILLION DOLLARS OF BONDS OF THE STATE TO PROVIDE FOR THE CONSTRUCTION OF SECONDARY ROADS, SUBJECT TO A VOTE OF THE PEOPLE OF THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That this Act shall be known and may be cited as the "Secondary Road Bond Act of 1949." Secondary Road Bond Act of 1949.

SEC. 2. That, subject to the vote of a majority of the qualified voters of the State who shall vote in the election called and held as hereinafter provided, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State of North Carolina Secondary Road Bonds," in an aggregate principal amount not exceeding two hundred million dollars ($200,000,000.00). The proceeds of said bonds are hereby appropriated to the State Highway and Public Works Commission, which appropriation shall be in addition to all other appropriations heretofore made or which may be made at the present Session of the General Assembly. Said proceeds shall be used by the State Highway and Public Works Commission exclusively for the purpose of building or improving roads and structures for those roads that now or may hereafter make up and constitute the State-maintained county road systems, also referred to herein and being commonly known as secondary roads as distinguished from primary roads, and shall be fairly and equitably divided among the highway divisions of the State by the State Highway and Public Works Commission.

Election on issuance of secondary road bonds.

Proceeds of bonds appropriated to State Highway and Public Works Commission.

Use of proceeds.

That, the General Assembly has determined from available information based upon the formula in use by the State Highway and Public Works Commission that the following words and figures represent a fair and equitable distribution and allocation of said proceeds to be derived from said bonds, and that the proceeds from said bonds shall be allocated, and expended, for the purposes hereinabove set forth to the several counties of the State in the following proportions:

Proportionate distribution and allocation of proceeds among counties of State.

Allocation to counties.

COUNTY	PERCENTAGE	AMOUNT ALLOCATED
Bertie	1.009	$ 2,018,000
Camden	0.313	626,000
Chowan	0.343	686,000
Currituck	0.365	730,000
Dare	0.430	860,000
Edgecombe	1.142	2,284,000
Gates	0.505	1,010,000

Allocation to counties (cont'd).

COUNTY	PERCENTAGE	AMOUNT ALLOCATED
Halifax	1.414	2,828,000
Hertford	0.634	1,268,000
Martin	0.833	1,666,000
Northampton	0.900	1,800,000
Pasquotank	0.473	946,000
Perquimans	0.406	812,000
Warren	0.798	1,596,000
Beaufort	1.324	2,648,000
Carteret	0.690	1,380,000
Craven	1.094	2,188,000
Greene	0.582	1,164,000
Hyde	0.625	1,250,000
Jones	0.569	1,138,000
Lenoir	1.013	2,026,000
Onslow	0.965	1,930,000
Pamlico	0.451	902,000
Pitt	1.534	3,068,000
Tyrrell	0.422	844,000
Washington	0.463	926,000
Bladen	1.241	2,482,000
Brunswick	1.057	2,114,000
Columbus	1.593	3,186,000
Cumberland	1.386	2,772,000
Duplin	1.489	2,978,000
New Hanover	0.676	1,352,000
Pender	1.057	2,114,000
Sampson	1.748	3,496,000
Franklin	0.973	1,946,000
Johnston	1.803	3,606,000
Nash	1.348	2,696,000
Vance	0.646	1,292,000
Wake	2.313	4,626,000
Wayne	1.374	2,748,000
Wilson	1.053	2,106,000
Alamance	1.231	2,462,000
Caswell	0.778	1,556,000
Durham	1.245	2,490,000
Granville	0.974	1,948,000
Guilford	2.574	5,148,000
Orange	0.828	1,656,000

Allocation to counties (cont'd).

COUNTY	PERCENTAGE	AMOUNT ALLOCATED
Person	0.795	1,590,000
Rockingham	1.418	2,836,000
Chatham	1.177	2,354,000
Davidson	1.426	2,852,000
Harnett	1.270	2,540,000
Hoke	0.634	1,268,000
Lee	0.550	1,100,000
Moore	1.161	2,322,000
Randolph	1.622	3,244,000
Robeson	2.109	4,218,000
Scotland	0.670	1,340,000
Anson	1.027	2,054,000
Cabarrus	1.174	2,348,000
Mecklenburg	2.287	4,574,000
Montgomery	0.762	1,524,000
Richmond	0.995	1,990,000
Rowan	1.484	2,968,000
Stanly	0.940	1,880,000
Union	1.394	2,788,000
Alleghany	0.466	932,000
Ashe	0.888	1,776,000
Caldwell	0.963	1,926,000
Davie	0.541	1,082,000
Forsyth	1.953	3,906,000
Stokes	0.991	1,982,000
Surry	1.212	2,424,000
Watauga	0.644	1,288,000
Wilkes	1.533	3,066,000
Yadkin	0.724	1,448,000
Alexander	0.537	1,074,000
Burke	1.030	2,060,000
Catawba	1.127	2,254,000
Cleveland	1.383	2,766,000
Gaston	1.422	2,844,000
Iredell	1.454	2,908,000
Lincoln	0.725	1,450,000
McDowell	0.770	1,540,000
Polk	0.479	958,000
Rutherford	1.300	2,600,000
Avery	0.441	882,000

Allocation to counties (cont'd).

COUNTY	PERCENTAGE	AMOUNT ALLOCATED
Buncombe	2.061	4,122,000
Cherokee	0.739	1,478,000
Clay	0.326	652,000
Graham	0.366	732,000
Haywood	0.946	1,892,000
Henderson	0.852	1,704,000
Jackson	0.767	1,534,000
Macon	0.788	1,576,000
Madison	0.843	1,686,000
Mitchell	0.446	892,000
Swain	0.600	1,200,000
Transylvania	0.557	1,114,000
Yancey	0.547	1,094,000
	Total	$200,000,000

Amount retained by Highway Commission as equalization fund.

Use of equalization fund.

Notwithstanding the above provision for the allocation of said fund to various counties of the State, the State Highway and Public Works Commission may retain an amount not exceeding ten per cent (10%) of the total of said fund as an equalization fund to be used by the said Commission for secondary road purposes, such purposes to include any and all streets and extensions thereof in incorporated cities and towns which form important connecting links to the State highway system or the county highway system or farm to market roads, and including roads or streets in that border or fringe section which is neither city nor country.

Bonds to be serial bonds; maturity; interest.

SEC. 3. That said bonds shall bear such date or dates, shall be serial bonds and shall mature at such times and in such amounts, not exceeding twenty years from their date or respective dates, and shall bear interest at such rate or rates, not exceeding four per centum (4%) per annum, payable semiannually on the first days of January and July, as may be fixed by the State Treasurer with the approval of the Governor and Council of State.

Excution of bonds.

Interest coupons.

Registration; form and denomination.

SEC. 4. That said bonds shall be signed on behalf of the State of North Carolina by the Governor and the State Treasurer, shall bear a facsimile of the Great Seal of the State and shall carry interest coupons which shall bear a facsimile of the signature of the State Treasurer. Said bonds shall be subject to registration as is now or may hereafter be provided by law for State bonds, and the form and denomination of the bonds shall be such as the State Treasurer may determine in conformity with this Act.

Sale of bonds; issuance.

SEC. 5. That, subject to determination by the Governor and Council of State as to the manner in which said bonds shall be

offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds when the proceeds thereof are needed to pay the cost of construction of the secondary roads hereinbefore provided for, such sales to be made at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest, and when the conditions are equal he shall give the preference of purchase to the citizens of North Carolina. All expenses necessarily incurred in the preparation and sale of the bonds shall be paid from the proceeds of such sale.

State Secondary Road Fund.

SEC. 6. That the proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the State Treasurer in a construction fund known as the "State Secondary Road Fund".

Issuance of bond anticipation notes.

SEC. 7. That by and with the consent of the Governor and Council of State, who shall determine the rate or rates or maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

Authorized purposes.

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the State Treasurer shall deem it advisable to postpone the issuance of such bonds.

(b) For the payment of interest upon or any installment of principal of any of said bonds then outstanding, if there shall not be sufficient funds in the State Treasury with which to pay such interest or installment of principal as they respectively fall due.

(c) For the renewal of any loan evidenced by notes herein authorized.

Payment of bond anticipation notes.

SEC. 8. That funds derived from the sale of bonds herein authorized shall be used in the payment of any bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any renewals of such notes; and funds provided by the General Assembly for the payment of interest on or principal of bonds herein authorized shall be used in paying the interest on or principal of any notes and any renewals thereof the proceeds of which shall have been used in paying interest on or principal of such bonds. Interest payments upon said notes may be evidenced by interest coupons in the State Treasurer's discretion.

Pledge of credit of State for payment of bonds and notes.

SEC. 9. That the full faith, credit and taxing power of the State are hereby pledged for the payment of the principal of and the interest on the bonds and notes herein authorized.

Coupons receivable in payment of taxes, licenses, etc.

SEC. 10. That the coupons appertaining to said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Bond, notes and coupons exempt from taxation.

SEC. 11. That all of said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.

Authorized investment for fiduciaries.

SEC. 12. That it shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissions, to invest any moneys in their hands in said bonds and notes.

Increase of gallonage tax on motor fuels.

G. S. 105-434, amended.

G. S. 105-435, amended.

G. S. 105-449, amended.

SEC. 13. That the gallonage tax levied and imposed on motor fuels by G. S. 105-434 and the gallonage tax imposed by G. S. 105-435 shall be increased one cent (1c) per gallon, and G. S. 105-434 is amended to change the words "six cents per gallon" appearing in the second line of said Section to "seven cents per gallon"; and G. S. 105-435 is amended to change the words and figures "a tax of six cents (6c) per gallon" appearing in the first paragraph of said Section to the words and figures "a tax of seven cents (7c) per gallon". G. S. 105-449 is amended by substituting for the words "six cents tax per gallon", appearing in said Section, the words "seven cents tax per gallon".

Tax increase to be applied to payment of Secondary Road Bonds.

The additional one cent (1c) per gallon tax provided for in this Section shall be applied exclusively to the payment of the principal of and the interest on the Two Hundred Million Dollars State of North Carolina Secondary Road Bonds and as herein further provided in Sec. 16 of this Act.

Tax increase contingent upon approval of bond issue.

Effective date of tax increase if bond issue approved.

Provided, further, if said bond issue shall fail of passage at said election to be held therefor and shall fail to receive a majority of the votes cast at said election, then the increased tax of one cent (1c) per gallon imposed by this Section shall not take effect and this Section imposing an additional one cent (1c) gallonage tax shall be void and of no effect. But, if a majority of the voters at said special election shall vote in favor of said bond issue, said additional gallonage tax at the rate hereinabove specified shall become effective from and after January 1, 1950.

Report and payment of additional tax by gasoline dealers and distributors.

SEC. 14. Every dealer and distributor in this State who shall have on hand or in his possession for the purpose of sale, use or distribution, any gasoline on which the gallon tax of six cents

has been paid or has accrued shall take a true inventory of all such gasoline on hand or in his possession as of 12:01 A. M., January 1, 1950, and shall on or before January 20, 1950, report to the Commissioner of Revenue the amount of such gasoline on hand at such time and shall pay to the Commissioner of Revenue an additional tax of one cent per gallon. Every consumer or user of gasoline who shall have on hand more than 100 gallons of gasoline as of 12:01 A. M., July 1, 1949, on which the gallon tax of six cents has been paid or has accrued shall likewise take such inventory of such gasoline on hand as of such time and report and pay to the Commissioner of Revenue an additional tax of one cent per gallon as provided above."

Report and payment of additional tax by consumers.

SEC. 15. That the issuance of the said Two Hundred Million Dollars State of North Carolina Secondary Road Bonds shall be submitted to the qualified voters of the State of North Carolina at an election to be held prior to the first day of July, 1949, and at such time prior to said date as shall be fixed by the Governor by a proclamation issued by him, and said election shall be held under and in accordance with the general election laws of the State of North Carolina, except that no absentee ballots shall be allowed in said election. The State of North Carolina shall reimburse the counties of the State for all necessary expenses incurred in holding said election, the same to be paid out of the Contingency and Emergency Fund. The State Board of Elections shall cause to be printed and distributed the ballots which are to be used in said election, which said ballots shall bear a facsimile of the signature of the Chairman of the State Board of Elections and shall be in substantially the following form:

Election on issuance of bonds.

Date of election.

Conduct of election.

State to reimburse counties for expenses of election.

Ballots.

Form of ballot.

OFFICIAL BALLOT

TWO HUNDRED MILLION DOLLAR STATE OF NORTH CAROLINA SECONDARY ROAD BONDS

☐ For the issuance of Two Hundred Million Dollars State of North Carolina Secondary Road Bonds.

☐ Against the issuance of Two Hundred Million Dollars State of North Carolina Secondary Road Bonds.

(Facsimile signature)
Chairman, State Board of Elections

Those voting in said election who are in favor of the issuance of said bonds shall vote by making an X or check mark in the square opposite the words "For the issuance of Two Hundred Million Dollars State of North Carolina Secondary Road Bonds."

Those opposed to the issuance of said bonds shall vote by making an X or check mark in the square opposite the words "Against the issuance of Two Hundred Million Dollars State of North Carolina Secondary Road Bonds."

Effect of election results.

If a majority of those voting in said election shall vote in favor of the issuance of said bonds, the said bonds shall be issued as hereinbefore provided. In the event a majority of those voting in said election shall vote against the issuance of said bonds, said bonds shall not be issued.

Canvas and certification of election results.

The result of said election shall be canvassed and declared as provided by law for the holding of elections for State officers and the result thereof certified by the State Board of Elections to the Secretary of State of North Carolina, in the manner and at the time provided by the general election laws of the State.

Creation of special account for retirement of bonds.

SEC. 16. Subject to all existing pledges of the revenues accruing to the State Highway Fund for making interest, sinking fund and serial payments on account of State Highway bonds heretofore issued, until all of the bonds issued under the provisions of this Act shall be paid or provision for such payment shall be made, the moneys deposited to the credit of the State Highway Fund shall be set aside as received in each fiscal year to the credit of a special account in the State Highway Fund for the payment of the principal of and the interest on said State of North Carolina Secondary Road Bonds until the amount held for the credit of said special account shall be equal to the amounts required for the payment of the principal of and the interest on said bonds which will become payable in the then current fiscal year and on the first day of the next succeeding fiscal year. The moneys so set aside in said special account are hereby irrevocably pledged to the payment of the principal of and the interest on said bonds as the same shall become due and payable, and the tax on motor fuels and automobile licenses, to the extent hereby required, shall not be repealed, diminished or applied to any other purpose until said bonds shall be fully paid. Subject to the above mentioned pledges of revenues accruing to the State Highway Fund, while any of said bonds shall remain outstanding and unpaid, moneys of the State Highway Fund shall not be diverted to any purpose other than those purposes for which appropriations are now made from said fund.

Irrevocable pledge of funds in special account.

Diversion of highways funds prohibited.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 18. That this Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 370 **CHAPTER 1251**

AN ACT TO PROVIDE FOR BETTER REGULATION AND ENFORCEMENT OF LAWS RELATING TO THE SALE AND DISTRIBUTION OF WINE AND TO EXTEND AND STRENGTHEN THE CONTROL THEREOF UNDER THE STATE AND LOCAL BOARDS OF ALCOHOLIC BEVERAGE CONTROL.

The General Assembly of North Carolina do enact:

Types of wine included under provisions of this Act and G. S. Ch. 18, Art. 8.

SECTION 1. The types of wine included under the provisions of this Act and of Article 8, Chapter 18 of the General Statutes, shall include all types of wine as defined in G. S. 18-64 (b) and Article 5 of Chapter 18 of the General Statutes.

G. S. 18-32, keeping liquor for sale, amended as to wines.

SEC. 2. Amend Chapter 18, Article 2, Section 32 (3) to read:

"(3) The possession of more than one gallon of wine at any one time, whether in one or more places; or"

G. S. 18-113.1, misdemeanor for retailer to sell unapproved wines, amended.

SEC. 3. Amend Chapter 18, Article 8 of the General Statutes by adding to Section 18-113.1 a new Subsection, to be inserted after the word "control" and before the words "Any person" at the beginning of the final paragraph, to read as follows:

One gallon limitation sales.

"It shall be unlawful for any person other than a manufacturer, distributor or bottler to buy, or to sell at retail to any one person, more than one gallon of wine at any one time, whether in one or more places."

G. S. Ch. 18, amended.

SEC. 4. Amend Chapter 18, Article 8 of the General Statutes by adding at the end thereof the following new Sections:

G. S. 18-116.1, enacted.

Additional power of local units to suspend or revoke retail wine license.

"118-116.1. In addition to the other grounds provided by law for refusing to grant, or for revoking or suspending wine licenses, the governing body of any county or city may revoke or suspend the license of any retail licensee within its jurisdiction for violating any existing law or regulation of the board concerning the sale of wine. In any proceeding before such governing body for the revocation or suspension of a retailer's license, the licensee shall be given due notice of the charges against him, and be given an opportunity to appear personally and by counsel in his defense.

G. S. 18-116.2, enacted.

Authority of local A. B. C. Boards to revoke or suspend permit for sale of wine.

"18-116.2. In addition to the authority of the State Board, the local A. B. C. Boards may, within their respective counties, suspend or revoke any permit for the sale of wine if in the discretion of the local A. B. C. Board it is of the opinion that the permittee is not a suitable person to hold such permit, or that the place occupied by the permittee is not a suitable place, or that the number of permits issued should be reduced; *provided, further,* that the local A. B. C. Boards shall have and retain at all times the discretionary right to limit, within the terri-

Authority of Boards to limit sales of wine to A. B. C. stores.

tory over which they have jurisdiction, the sale of wine to A. B. C. stores exclusively, if in the opinion of a local A. B. C. Board conditions warrant such restriction.

G. S. 18-116.3. Effect of revocation of license by local authority.

"18-116.3. In the event any county or municipality, through its governing body, shall for cause revoke any license, such revocation shall automatically revoke any other wine license or permit held by the licensee; and in all cases where a permit is revoked by the board or a local A. B. C. Board, such revocation shall render void any State, county, or municipal license issued hereunder.

Effect of revocation of permit.

G. S. 18-116.4. Authority of local Boards to restrict days and hours of sale of wine.

"18-116.4. In addition to the authority of the State Board to regulate and fix the days and hours of the sale of wine, the local A. B. C. Boards shall have authority, in their discretion, to further restrict the days and hours of the sale of wine within their respective territories.

G. S. 18-116.5. Investigation of operation of licensed premises; examination of books, etc.

"18-116.5. All officers, inspectors and investigators appointed by either the State Board or local A. B. C. Boards shall have authority to investigate the operation of the licensed premises of all persons licensed under this Act, to examine the books and records of such licensee, to procure evidence with respect to the violation of this Act, or any rules and regulations adopted thereunder, and to perform such other duties as the board may direct.

Right of inspectors to enter premises.

Such inspectors shall have the right to enter any such licensed premises in the State in the performance of their duty, at any hour of the day or night when wine is being sold or consumed on such licensed premises.

Refusal to permit inspector to enter premises cause for revocation or suspension of permit.

Refusal by such permittee or by any employee of a permittee to permit such inspectors to enter the premises shall be cause for revocation or suspension of the permit of such permittee.

Powers and authority of inspectors.

The officers, inspectors and investigators so appointed shall, after taking the oath prescribed for peace officers, have the same powers and authority, including the right to serve all criminal process and to make arrests, as other peace officers.

Use of A. B. C. officers as inspectors.

"All Alcoholic Beverage Control officers now employed, or who may hereafter be employed, may be used by the board, or the local A. B. C. Boards, as inspectors in counties and cities having Alcoholic Beverage Control stores, and shall be vested with all powers and authority as herein vested in inspectors."

Application of Act.

SEC. 4½. That the provisions of this Act shall apply only to the counties and cities that have or may establish Alcoholic Beverage Control stores.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 430 **CHAPTER 1252**

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF RED SPRINGS IN ROBESON COUNTY BY REWRITING THE SAME.

The General Assembly of North Carolina do enact:

Town of Red Springs, incorporation and corporate powers.

SECTION 1. Incorporation and Corporate Powers.—The inhabitants of the Town of Red Springs, North Carolina, within the boundaries as established in Section 3 of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Red Springs, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Red Springs shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Red Springs by this Section:

Enumeration of specific powers.

Taxation, etc.

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

Public services and public utilities.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purpose, subject only to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

Local improvements.

Condemnation procedure.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements. The procedure for condemning property for such purposes shall be in accordance with the procedure outlined in the Chapter entitled Eminant Domain of the General Statutes, same being Chapter 40, except that Section 40-10 of the General Statutes of North Carolina, 1943, as amended shall not apply to condemnation proceedings instituted by the Town of Red Springs in acquiring properties for such purposes; the town may also acquire an excess over that needed for such improvement and may sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

Issue and sell bonds.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

Public libraries, parks, airports, etc.

(5) To organize and administer public libraries and to operate and conduct a system of parks and recreation and to own, lease or operate airports or to lease such airports upon such basis as the board of commissioners may deem to the best interest of the town.

Police, sanitary, zoning, etc., regulations.

(6) To adopt and enforce within its limits local police, sanitary, zoning, subdivision regulations and other ordinances and other similar regulations not in conflict with the general law.

Exercise of powers granted.

Except as otherwise provided in this charter, the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this charter shall be exercised.

Enumerated powers not exclusive.

SEC. 2. Enumerated Powers Not Exclusive.—The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Red Springs shall have, and may exercise, all powers which, under the Constitution of North Carolina and the General Statutes, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the town commission.

Corporate limits.

SEC. 3. Corporate Limits.—The corporate limits of the town shall be as follows: Beginning at a point one-half of a mile due North of the center of Main Street where it intersects the Atlantic Coast Line Railroad and running thence due East one-half of a mile, thence due South one mile, thence due West one mile, thence due North one mile, thence due East one-half mile to the beginning.

Mayor and board of commissioners; salaries.

SEC. 4. Creation, Salary, and Composition of the Mayor and Commission.—Except as otherwise provided in this charter, all powers of the town shall be vested in a mayor and a board of commissioners who shall be nominated and elected from the town at large in the manner hereinafter provided.

Terms of members of board of commissioners.

The terms of the members of the first board of commissioners elected after the ratification of this Act shall begin on May 10, 1949 and shall expire on July 1, 1951. Thereafter, the terms of office of members of the board of commissioners shall be for two years, and until their successors are elected and qualified. Except as pro-

vided for the members of the first board of commissioners elected after the ratification of this Act, the terms of office of the several commissioners shall begin on the first day of July next following their election. The mayor and commissioners shall be qualified electors of the town and shall hold no other public office except that of notary public or member of the National Guard or Naval or Military Reserve. If the mayor or any member of the commission shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. If a vacancy occurs in the office of mayor or commission, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the commission. The mayor shall receive a salary of $200.00 per annum and each member of the commission shall receive a salary of $25.00 per annum until changed by ordinance. No ordinance fixing or changing the salary of the mayor or members of the commission shall become effective during the current term of office of the board of commissioners.

Qualification of mayor and commissioners.

Vacancy appointments.

Salaries.

SEC. 5. Mayor; Election and Powers.—At its first meeting in July or as soon thereafter as practical, the commission shall elect one of their number as mayor pro tem. It shall be the duty of the mayor to preside at all meetings of the commission. He shall be the recognized head of the town government for all ceremonial and legal purposes and by the Governor or any other State or Federal agency for purposes of military law or civilian defense or any other emergency, and shall exercise such other powers and perform such other duties as are or may be conferred or imposed upon him by the general laws and the Constitution of North Carolina by this charter and the ordinances of the Town of Red Springs. He shall have no regular administrative duties. It shall be the duty of the mayor pro tem to act as mayor during the absence or disability of the mayor and if there becomes a vacancy in the office of mayor the mayor pro tem shall become mayor for the completion of the required term.

Mayor, election and powers.

Mayor pro tem.

SEC. 6. Meetings of the Town Commissioners.—At 8:00 P. M. on the first week day in July following each regular municipal election, the town board shall meet in the town hall or some other suitable place for the purpose of taking the oath of office and to assume the duties of the office. Each member of the board shall take and subscribe to an oath as required by the Constitution of North Carolina. Thereafter, the town board shall meet at such times and at such place as may be prescribed by ordinance or resolution but not less frequently than once each month. Special meetings of the board of commissioners may be called by the mayor or by any two members of the commission. All meetings of the town board or of committees thereof shall be open to the public and all citizens of the Town of Red Springs shall within reason have a reasonable opportunity to be heard

Meetings of town commissioners.

at any such meeting or on any matter relating to the public interest of the Town of Red Springs.

Commission rules.

SEC. 7. Commission Rules.—The town commission shall be the judge of the election and qualifications of its members and in such cases shall have power to subpoena citizens and compel the production of all pertinent books, records, and documents. The decision of the town board in any such case shall be subject to review by the courts. The town board shall determine its own rules and the order of business and shall require that the town clerk keep an accurate and complete journal of its proceedings. It shall have power to compel the attendance of absent members and may expel a member from the town board for disorderly conduct, willful refusal to attend meetings, malfeasance in office, or the conviction of any crime involving moral turpitude, *providing, however,* that no member of the town commission shall be expelled unless notified of the charge against him and given an opportunity to be heard in his own defense.

Quorum.

SEC. 8. Quorum.—A majority of the members of the town board shall constitute a quorum to do business. The affirmative vote of the majority of the members present shall be necessary to adopt any ordinance, resolution, or other order. No member of the commission shall be excused from voting on any question before the commission except on matters involving the consideration of his own official conduct.

Supplementary powers of town board.

SEC. 9. Supplementary Powers of the Town Board.—The board of commissioners may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police and such other officers and employees as may be necessary; *provided,* that the board of commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board of commissioners. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as it may deem necessary.

Nominations and elections.

SEC. 10. Nominations and Elections.—The regular election for the members of the town board shall be conducted on Tuesday following the first Monday in May in odd numbered years, and shall be conducted in accordance with the provisions of this charter and the General Statutes regulating municipal elections. The town board shall have the power to call a special election for the purpose of submitting any issue to the public and fix the time for such election to be conducted in accordance with the General Statutes of North Carolina relating to special municipal elections.

Regulations of elections.

SEC. 11. Regulations of Elections.—The board of commissioners shall make all needful rules and regulations, not inconsistent with this charter, for the conduct of elections, for the preven-

tion of frauds in elections, and for the recount of the ballots in case of doubt or fraud.

Nominations.

SEC. 12. Nominations.—Any qualified elector of the town may become a candidate for mayor or a member of the commission by filing with the town clerk at least fourteen days prior to the date of the election a certificate of intention to run, and may be required to pay a filing fee, the amount of which shall be determined by the town board, not to exceed $10.00.

Ballots.

SEC. 13. Ballots.—The full names of candidates, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Election of mayor and board of commissioners.

SEC. 14. Election of Mayor and Board of Commissioners.—All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates, up to the number to be elected, who received the highest number of votes shall be declared elected.

City clerk.

SEC. 15. City Clerk.—The board of commissioners may choose a town clerk. The town clerk shall keep the records of the board of commissioners, maintain a journal of its proceedings, and perform such other and further duties as may be required of him by law or by the board of commissioners.

Duties of town attorney.

SEC. 16. Duties of Town Attorney.—The town attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least two years. He shall be the chief legal adviser of and attorney for the town and all departments and offices thereof in matters relating to their official powers and duties. It shall be his duty to attend upon call all meetings of the town board; to give advice in writing, when so requested, to prosecute or defend, as the case may be, all suits or cases to which the town may be a party, and to perform such other duties of a legal nature as the town board may require.

Duties of city accountant.

SEC. 17. Duties of The City Accountant.—The city accountant shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts and cost records as may be required for

purposes of administrative direction and financial control; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require.

Duties of city tax collector.

SEC. 18. Duties of City Tax Collector.—The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Duties of town treasurer.

SEC. 19. Duties of The Town Treasurer.—The town treasurer shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of city bonds and certificates for transfer, registration, or exchange.

Provided that the board of commissioners may appoint one person to fill any two or more such positions enumerated in this charter.

Custody of town moneys.

SEC. 20. Custody of Town Moneys.—All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by any two persons designated by recorded resolution of the board of commissioners.

Issuance of bonds.

SEC. 21. Issuance of Bonds.—The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Purchase procedure.

SEC. 22. Purchase Procedure.—Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the town board may prescribe. All expenditures for supplies, materials, equipment or contractual services involving more than one thousand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bid-

der after such public notice and competition as may be prescribed by ordinances and State law.

Contracts for town improvements.

SEC. 23. Contracts for Town Improvements.—Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed, *provided* the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

Contracts extending beyond one year.

SEC. 24. Contracts Extending Beyond one Year.—No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation with the city at least ten days before its passage by the board of commissioners.

Independent audit.

SEC. 25. Independent Audit.—As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the board of commissioners may accept such audit by the State as fulfilling the requirements of this Section.

Miscellaneous provisions.

Miscellaneous Provisions

Publicity of records.

SEC. 26. Publicity of Records.—All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish. The mayor and board of commissioners in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

Personal interest.

SEC. 27. Personal Interest.—Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct, or indirect in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services except on behalf of the town as an officer or employee.

Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the city shall render the contract voidable by the town board.

Saving clause.

SEC. 28. Saving Clause.—If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supercede all laws and ordinances not consistent herewith, in so far as the Town of Red Springs is affected thereby.

SEC. 29. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 437 CHAPTER 1253

AN ACT TO AMEND H. B. 461 RELATING TO THE PENALTY FOR OVER-LOADING VEHICLES.

The General Assembly of North Carolina do enact:

Ch. 583, Session Laws, 1949, relating to Motor Vehicle Act, amended.

SECTION 1. Section 8 of H. B. 461 which was ratified on March 28, 1949, is hereby rewritten to read as follows:

G. S. 20-96, additional tax for overloading, amended to apply to non-residents.

"SECTION 8. Amend Section 20-96 of the General Statutes by inserting the following sentence therein to precede immediately the last sentence of said Section:

'Non-residents operating under the provisions of Section 20-83 shall be subject to the additional tax provided in this Section when their vehicles are operated with more than one ton in excess of the licensed weight or, regardless of the licensed weight, more than one ton in excess of the maximum weight provided for in Section 20-118.'"

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 444 **CHAPTER 1254**

AN ACT TO AMEND CHAPTER FIFTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, AND ACTS AMENDATORY THEREOF, RELATIVE TO THE POLICE PENSION FUND OF THE CITY OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Ch. 55, Private Laws, 1915, providing for police pension fund, City of Wilmington, amended.

SECTION 1. That Chapter 55 of the Private Laws of 1915 entitled "An Act to provide for the raising and managing of Pension Funds for the Police of the City of Wilmington", and all Acts amendatory thereof, be and the same are hereby amended as follows:

(A) Strike out all of Subsection 1 of Section 10, and all Acts amendatory thereto, and insert in lieu thereof the following:

Appropriation from general funds of city.

"(1) That the Commissioners of the City of Wilmington are hereby authorized and directed to appropriate from the General Funds of the City of Wilmington such amounts of money from time to time as may be necessary to carry out the provisions of this Act, after taking into account funds paid into the said pension fund as hereinafter provided, said money so appropriated to be paid to the Treasurer of the Police Pension Fund of Wilmington, North Carolina.

(B) Strike out all of Subsection 7 of Section 10 of said Chapter, and all acts amendatory thereto, and insert in lieu thereof the following:

Fee taxed in bill of cost in criminal cases for pension fund.

"(7) That in all criminal actions arising within the limits of the City of Wilmington, North Carolina, brought into Superior Court, the Recorder's Court, or Magistrate's Courts, in said City, wherein the defendants enter a nolo contendere, a plea of guilty or shall be adjudged guilty by the court or a jury, and are required to and do pay the costs, there shall be taxed in the bill of cost a fee of fifty cents (50c) for the Police Pension Fund, and shall be collected as all other costs in criminal cases are collected by the clerk, recorder, magistrate, or other officer of the courts authorized to receive and collect costs, and such funds so received shall be accounted for and turned over monthly to the Treasurer of the Police Pension Fund of the City of Wilmington.

Monthly accounting.

Assessment on members of police force.

(C) Amend Subsection 9 of Section 10 of said Chapter, and Acts amendatory thereto, by striking out in line 5 of said Subsection 9 after the words "greater than" and before the words "per centum" the word "two" and inserting in lieu thereof the word "three".

Benefits to policemen disabled in discharge of duty.

(D) Amend Subsection 1 of Section 12 of said Chapter, and Acts amendatory thereto, by striking out in line 5 of said Subsection 1 the words "in no instance exceed" and insert in lieu

thereof the word "be"; and by striking out in line 7 of said Subsection 1 after the words "or its cause," all the rest of the words in said sentence down to and including the words "may provide.", and inserting in lieu thereof the words "and shall be granted for the life of such disabled member, and upon his death, a pension shall be paid to his beneficiaries as hereinafter provided."

Benefits to dependents of policemen fatally injured while in discharge of duty.

(E) Strike out all of Subsection 2 of Section twelve of said Chapter, and Acts amendatory thereto, and insert in lieu thereof the following:

"(2) When any member of the police force shall be killed or dies from injuries or the results thereof while in the performance of duty or from disease contracted in the performance of duty, the board shall pay a pension, based on one-half of the member's salary at the time of his death, to said member's widow or children or beneficiaries as hereinafter provided for in this Act."

(F) That said Chapter, as amended by Section 3, Chapter 228 of the Private Laws of 1923, and all Acts amendatory thereof, be and the same are hereby amended as follows:

By striking out in Section 12, Subsection 3 in line 23 after the word "member" at the end of said Subsection the "period" and inserting in lieu thereof a "comma" and adding the following: "and upon his death, for his beneficiaries, either before or after retirement, as hereinafter provided for."

(G) And further amend said Subsection 3 of Section 12 of Chapter 55 of the Private Laws of 1915, and all Acts amendatory thereof, by adding at the end of said Subsection 3 the following:

Benefits payable to dependents upon death of member prior to retirement.

"*Provided, further*, that should any member of said police department die before retirement, and who prior to his death was in either of the following classifications: (a) was disabled, or killed or dies as result of injuries as provided for in Subsections 1 and 2 of Section 12, and Acts amendatory thereof; or (b) was in the ten to twenty year service classification; or (c) was in the twenty year or twenty-five year service classification; or (d) any member who on or after the ratification of this Act shall retire, or be retired, or become eligible to retire and be entitled to a pension, as provided for; then, and in either event, the following contingencies are hereby provided for said member's widow and dependent children, and other beneficiaries, and they shall be paid out of said pension fund as follows:

Benefits to wife.

(1) should he predecease his wife, then upon his death she shall be paid monthly, until her remarriage or death, fifty per cent (50%) of the amount paid him, or which would have been paid him had he been retired, in whatever classification he was in or was entitled to be in, as above set out, at the time of his death; (2) and in addition, ten ($10.00) dollars monthly for each dependent child of said member, up to and for three children at any one time only, until each child shall become eighteen years

Additional payments for dependent children.

of age, and said amount shall be paid to the mother or to the duly appointed and acting guardian of such minor child or children for the use and benefit of said child or children; (3) should any member as above classified, (a) die, having never married, or (b) should he survive his wife, and subsequently die, leaving surviving him no child or children under eighteen years of age, or (c) upon the death or remarriage of his surviving widow and the attainment of eighteen years of age of all his children, then, or in either event, should his mother then be living, she shall be paid until her death or remarriage fifty per cent (50%) of the amount of his pension to which he would have been entitled to as herein provided; only, however, if the board of trustees shall find at the time of his death he was the chief means of support to his mother; (4) should he die leaving none of the above named beneficiaries, or should none of them qualify in accordance with the above requirements, then, and either event, a sum not to exceed three hundred ($300.00) dollars shall be paid out of said pension fund for his burial expenses. *Provided, however,* that the provisions of this Act as to beneficiaries shall only apply to such members or their beneficiaries as shall become qualified for a pension on or after the ratification of this Act; that the provisions of this Act as to the beneficiaries shall not apply to any member now on retirement before the ratification of this Act.

Benefits to mother.

Payment of burial expenses.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1343 CHAPTER 1255

AN ACT TO AMEND COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 52.

The General Assembly of North Carolina do enact:

SECTION 1. Section 14 of Committee Substitute for Senate Bill No. 52, enacted by the 1949 General Assembly, is hereby amended by striking out the word and figures "July 1, 1949" in line 12 of said Section and inserting in lieu thereof the word and figures "January 1, 1950."

Ch. 1250, Session Laws, 1949, Secondary Road Bond Act, amended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 449 CHAPTER 1256

AN ACT TO AMEND CHAPTER 275 OF THE SESSION LAWS OF 1947 RELATING TO AN OFFICIAL RECORD OF UNCOLLECTED TAXES FOR THE YEARS 1929 THROUGH 1943 FOR THE COUNTY OF BUNCOMBE AND THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Ch. 275, Session Laws, 1947, relating to official tax scroll, Buncombe County, for certain years, amended as to application of Act.

SECTION 1. Chapter 275 of the Session Laws of 1947 is hereby amended by adding a new Section thereto as follows:

"SEC. 5. This Act shall apply only to taxes on real estate and shall not in any manner affect the collection of personal property taxes regardless of whether said uncollected personal property taxes appear upon said scroll mentioned in Sections 1 and 2 hereof or not, and the records of uncollected personal property taxes shall be kept and maintained, and collections made thereon, in the same manner as heretofore provided."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 450 CHAPTER 1257

AN ACT TO AMEND CHAPTER 324 OF THE SESSION LAWS OF 1947 RELATING TO TAXES DUE BUNCOMBE COUNTY AND THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Ch. 324, Session Laws, 1947, abolishing certain delinquent taxes, Buncombe County and City of Asheville, amended.

SECTION 1. Section 2 of Chapter 324 of the Session Laws of 1947 is amended by adding thereto the following:

"The Board of Tax Supervision of Buncombe County is hereby authorized to list delinquent for ad valorem taxation for the years 1929 through 1947 any real estate which heretofore may have been voluntarily dropped from the tax lists by said board

as a result of foreclosure proceedings under which the City of Asheville or the County of Buncombe took title on certificate for the years 1928 and prior years. Said delinquent listings shall be made in the names of the persons, firm or corporation in whose name said real estate was listed immediately prior to being dropped from the tax lists, and against whom said foreclosure proceedings were had. All such delinquent listings for the years 1929 through 1947 shall be made by said board in a separate list book provided for such purposes. Nothing in this Act shall be construed to require such properties to be treated by the Board of Tax Supervision as discovered property within the contemplation of G. S. 105-331, but to the contrary, said board shall have the right to collect all taxes for the years 1929 through 1947 on the properties dropped as aforesaid, the same as if said properties had been listed during said period."

Listing of certain delinquent taxes voluntarily dropped as result of foreclosure proceedings.

Construction of Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 458 **CHAPTER 1258**

AN ACT AUTHORIZING THE CHIEF OF POLICE, THE CAPTAINS AND SERGEANTS OF THE POLICE DEPARTMENT OF THE TOWN OF LEXINGTON IN DAVIDSON COUNTY TO ISSUE WARRANTS, TAKE AFFIDAVITS AND RECEIVE BAIL IN CRIMINAL ACTIONS BEFORE THE DAVIDSON COUNTY COURT.

The General Assembly of North Carolina do enact:

SECTION 1. The Chief of Police, the Captains and the Sergeants of the Police Department of the Town of Lexington in Davidson County are hereby authorized and empowered to issue warrants and all other criminal process, take affidavits and receive bail in any criminal action coming before the inferior court known as the Davidson County Court.

Town of Lexington, authority of police officials to issue process, etc., in criminal action before Davidson County Court.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 463 **CHAPTER 1259**

AN ACT TO AMEND CHAPTER 480 OF SESSION LAWS OF 1947 AND TO REQUIRE CONSTABLES IN CRAVEN COUNTY TO KEEP A RECORD OF ARRESTS MADE BY THEM AND FILE REPORTS THEREOF WITH THE CLERK OF THE SUPERIOR COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Ch. 480, Session Laws, 1947, amended.

SECTION 1. That Section 1 of Chapter 480 of the Session Laws of 1947 be amended by adding at the end thereof the following:

Craven County, record of arrests required of constables.

"Each of said constables shall in a book keep a record of all arrests made by him. Said record shall show the date of arrest, time, place and other facts and details of such arrest, and of each person arrested the name, address, sex, age, race, occupation and number of previous arrests of such person, and whether such person arrested is confined in jail, allowed to give bond, enter into recognizance or cited to appear at court, the offense charged, the name of the justice of the peace, or other court before whom the person arrested is taken by said constable, the nature of and final disposition of the charge, and the punishment imposed, if the person arrested be convicted. Each of said constables shall on the first day of July, October, January and April, in every year report to and file with the Clerk of the Superior Court of said county a copy of such record for the preceding three months. The Board of Commissioners for the County of Craven shall furnish said constables with books and forms for keeping such record and making such reports."

Report of constables to Clerk Superior Court.

Act also applicable to Mecklenburg, Hoke and Johnston Counties.

SEC. 1½. Notwithstanding anything to the contrary in the provisions of Section 1. The provisions of this Act shall apply to Mecklenburg County, Hoke County and Johnston County.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 465 **CHAPTER 1260**

AN ACT TO AMEND CHAPTER 500 OF 1947, THE SAME BEING THE GENERAL APPROPRIATIONS ACT FOR THE BIENNIUM 1947-49.

Preamble: 1947-48 appropriation for school instructional salaries.

WHEREAS, the purpose of Subsection (c) of Section 22 of Chapter 500 of 1947 has already been accomplished as to the fiscal year 1947-48; and

Increased expenditure for fuel, gasoline, etc.

WHEREAS, it is necessary to spend more money for fuel, gasoline, and many other supplies for 1948-49 than was anticipated two years ago because of the price increases during this biennium; and

Unexpended balances for fiscal year 1947-48 needed to provide for increases in costs of operating public schools.

WHEREAS, the balances unexpended for the fiscal year 1947-48 are needed to provide for these unavoidable increases in costs for operating the public schools and the expenditures of these funds are estimated to be spent for the fiscal year 1948-49 as shown in biennial budget as presented to the Legislature of 1949, and the expenditure of which will not change the credit balance figures as estimated at June 30, 1949; *Now, therefore,*

The General Assembly of North Carolina do enact:

Ch. 500, Session Laws, 1947, Sec. 22, relating to school instructional salaries, amended.

SECTION 1. That Subsection (c) of Section 22 of Chapter 500 of 1947 as it relates to the fiscal year 1947-48 be and is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 468 **CHAPTER 1261**

AN ACT RELATING TO CLAIMS AGAINST THE TOWN OF CAROLINA BEACH.

The General Assembly of North Carolina do enact:

Town of Carolina Beach, prerequisites for institution of action against town.

SECTION 1. No action shall be instituted or maintained against the Town of Carolina Beach upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing the governing body of said town, who shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained

Statute of limitation unaffected.

shall be construed to prevent any statute of limitation from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running.

Institution of action for damages against town.

SEC. 2. No action for damages against said Town of Carolina Beach of any character whatever to either person or property shall be instituted against said town, unless within sixty days after the happening or infliction of the injury complained of

Notice of injury, etc.

the complainant, his executors or administrators, shall have given notice to the governing body of said town of such injury, in writing, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed

Statute of limitations unaffected.

therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running.

Application of Act.

SEC. 3. This Act does not apply to pending litigation or to any claim or right of action arising prior to the ratification of this Act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 481 CHAPTER 1262

AN ACT AUTHORIZING THE TOWN OF LAURINBURG TO ESTABLISH, REGULATE, OPERATE, AND CONTROL MARKETS FOR THE SALE OF PRODUCE, LIVESTOCK, AND POULTRY WITHIN OR WITHOUT THE CORPORATE LIMITS OF SAID MUNICIPALITY.

Preamble: Town of Laurinburg, location in large agricultural section of State.

WHEREAS, the Town of Laurinburg is located in a large and populous agricultural section of the State in which is raised for local consumption and for sale and consumption in other states large quantities of foods of all kinds, including fruits and vegetables; and

Marketing center.

WHEREAS, the Town of Laurinburg is the marketing center for a large portion of these products; and

Necessity for inspection, etc., of fuel products.

WHEREAS, in order to protect the health of its own citizens and those of other communities in this and other states who consume these products, it is necessary that the said food products be inspected, graded, and packed; and

WHEREAS, in order to promote the agricultural development of farming area in the vicinity of said municipality, and in order to promote, foster and encourage the growth and development of said town and its markets and to maintain, protect and preserve the health, safety, general welfare, and good order of the citizens of said town, it is necessary for the sale of said farm produce to be controlled and regulated, and for adequate, sanitary, and efficient modern markets to be established and operated for such purposes; and

Necessity for control and regulation of sale of farm produce, and establishment of modern markets.

WHEREAS, it is declared as a matter of legislative determination that it is necessary for the Town of Laurinburg to have and exercise the powers conferred upon it by this Act: *Now, therefore,*

Necessary for exercise of regulatory powers.

The General Assembly of North Carolina do enact:

SECTION 1. The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context:

Definitions.

(1) "Produce" shall mean fruits, vegetables, poultry, livestock and edible agricultural products of all kinds in the raw state.

"Produce."

(2) "Market" and "Markets" shall mean a place for the sale of produce, or any one of more of said items, but shall not include stands, stores, or shops operated by regularly licensed merchants handling other food products where produce is sold at retail for consumption by the said merchant's customers; nor shall such terms include a farm or farm unit where such item offered for sale are actually grown or raised by the seller.

"Market" and "Markets."

SEC. 2. In order to carry out the purposes of this Act, the Town of Laurinburg, through its board of commissioners, shall have full power and authority to do any and all of the following:

Town of Laurinburg, powers conferred for purposes of Act.

(1) Establish and regulate a market;

Establishment of market.

(2) To rent, lease or purchase a certain tract or parcel of land lying and being in the County of Scotland and State of North Carolina, and bounded as follows: Being that certain tract of land lying on the southern side of Lee's Mill Road and being all of Lot No. 12 containing 15.43 acres, more or less, as shown and described on a plat of the subdivision of the James Company, Incorporated land located near the northeast edge of Laurinburg, North Carolina, as shown on a plat thereof made by D. S. DuBose, Civil Engineer, dated November 5, 1945, and recorded in Scotland County Registry, in Plat Book 3 at page 52, to which said map reference is hereby made for a more complete description; and/or to rent, lease or purchase such other tract or parcel of land as may be deemed necessary for the establishment of the above described market within the corporate limits of the Town of Laurinburg or within a distance not to exceed one mile of the corporate limits of said town.

Acquire certain property.

Description of boundaries.

Erect warehouses, etc.

(3) To erect on such site warehouses, sheds, and such other buildings as are necessary or convenient for the operation of such market;

Inspect, grade, etc., all produce sold in market.

(4) To require that all produce sold in said market be inspected, graded, weighed, packed, and cleaned, if and when such facilities are established;

Prescribe methods of sale.

(5) To prescribe the methods of sale at such market; and where deemed advisable to require that all items regulated under the authority hereof be sold at auction;

Rent space to buyers and sellers.

Fees for inspecting, etc., items sold.

(6) To rent or lease space to buyers and sellers, and to charge or permit to be charged, reasonable fees for grading, inspecting, auctioneering, selling, weighing, and handling the items sold at said market;

Operate market.

Delegate operation.

(7) To operate said market; and for the purpose of operating the same, the said municipality is expressly authorized to delegate, under the control, regulation, and rules of its governing body, the operation thereof to nonprofit corporation(s) or association(s), and to pay a reasonable fee for compensation for the supervisory work in connection with such operation.

Exercise general regulatory powers.

(8) To have and exercise such other powers and authority, including the enactment of the necessary ordinances, as is reasonably necessary to control, conduct, regulate, establish, operate, maintain, and develop a municipal market for the sale of produce.

Power of eminent domain.

SEC. 3. The municipality may rent, lease or purchase sites for a market, but the power of eminent domain shall not apply or be enforceable beyond the corporate limits of the Town of Laurinburg.

Violation of ordinance enacted hereunder made misdemeanor.

Remedy of local authorities to prevent violations.

SEC. 4. The violation of any ordinance enacted under the authority of this Act shall be a misdemeanor, cognizable in the mayor's court of said municipality or the criminal court for the County of Scotland and may be punished by a fine of not more than fifty dollars ($50.00), or imprisonment for not more than thirty (30) days for each offense; and the proper local authorities of said municipality in addition to all other remedies may institute any appropriate action or proceeding at law or in equity to prevent the violation of any of the provisions of this Act, and may cause to be restrained the violation of such ordinance by civil action in the Superior Court of Scotland County.

Construction of Act.

SEC. 5. This Act shall not have the effect of repealing any Local or General Statute now in effect, except as to such provisions thereof as are repugnant to or inconsistent herewith; but it shall be construed to be in enlargement of the powers of said municipality.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 485 CHAPTER 1263

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS, 1923, WHICH IS DESIGNATED AS "CHARTER OF THE CITY OF GREENSBORO."

The General Assembly of North Carolina do enact:

Ch. 37, Private Laws, 1923, charter of City of Greensboro, amended.

SECTION 1. That Chapter 37, Private Laws, 1923, as amended, is further amended by adding at the end of Section 79(e) of said Chapter 37 the following:

Power of city council to lease city-owned property.

"In any case, however, where the lessee enters into a binding obligation to erect, upon property owned by the city, improvements to cost not less than one hundred thousand dollars ($100,000), the council may rent or lease such property for a term not to exceed forty (40) years and such lease may be made by the council either privately or publicly and upon such terms as in the judgment of the council will promote the best interest of the city."

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 487 CHAPTER 1264

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO ADVERTISE FOR GRADE A TEACHERS TO SUPPLY THE SHORTAGE IN NORTH CAROLINA AND MAKE AN APPROPRIATION THEREFOR.

Preamble: Shortage of grade A teachers in public schools.

WHEREAS, there is now a shortage of grade A teachers in the public schools of North Carolina; and

Increase in salary schedule of grade A teachers.

WHEREAS, under the salary schedules for grade A teachers, as provided by the General Assembly of 1949, such teachers will be paid in excess of salaries received in many other states, the salary schedule of teachers in this State having been increased approximately sixty-four per cent (64%) since 1947, and it is desirable to secure the services of such out of the State teachers in the public schools of North Carolina: *Now, therefore,*

Desire to secure services of out-of-State teachers.

The General Assembly of North Carolina do enact:

State Board of Education authorized to advertise for public school teachers with grade A rating.

SECTION 1. That the State Board of Education is hereby authorized and empowered to advertise in such mediums as they may select and in such states as they may select for public school teachers with rating equivalent to grade A teachers and to publish the salary schedule of public school teachers in this State, as provided for by this General Assembly. There is hereby appropriated for said purpose the sum of three thousand dollars ($3,000.00).

Appropriation for purpose.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 488 CHAPTER 1265

AN ACT TO VALIDATE AND CONFIRM CERTAIN ELECTION PROCEDURES AND OFFICIAL ACTS OF CERTAIN OFFICERS OF THE CITY OF STATESVILLE IN IREDELL COUNTY PURSUANT THERETO.

The General Assembly of North Carolina do enact:

City of Statesville, municipal elections, general and special, validated.

SECTION 1. Notwithstanding any failure to fully comply with the statutes governing the calling and conduct of municipal elections, all municipal elections, both general and special, heretofore held in the City of Statesville in Iredell County, are hereby validated in all respects, and all municipal officials chosen in any such election are hereby declared duly elected to their respective positions, and all their official acts are hereby confirmed and validated as fully and completely as if there had been full compliance with all requirements of law in respect to any such election.

Officials declared elected; official acts validated.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 489 **CHAPTER 1266**

AN ACT AUTHORIZING THE ESTABLISHING OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF NEWTON UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Town of Newton, election on question of operation of liquor control stores.

SECTION 1. The Board of Aldermen of the Town of Newton shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not town liquor control stores may be operated in the Town of Newton and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of town liquor control stores, no such stores shall be set up or operated in said town under provisions of this Act.

Effect of election results.

Notice of election.

SEC. 2. In calling for such special liquor election, the said board shall give at least twenty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Stores," "Against Town Liquor Control Stores." Those favoring setting up and operating liquor stores in the Town of Newton shall mark in the voting square to the left of the words "For Town Liquor Control Stores" printed on the ballot, and those opposed to town liquor control stores shall mark in the voting square to the left of the words "Against Town Liquor Control Stores." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections for the Mayor of the Town of Newton. The cost of said election shall be paid from the General Fund of the Town of Newton.

Registration.

Form of ballot.

Conduct of election.

Closing of stores by majority vote in subsequent election.

SEC. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores," the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the

Disposition of property.

town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all

Application of laws relating to sale of intoxicating beverages.

Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within said Town of Newton in force and effect prior to the authorization to operate town liquor stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall

Limitation on time between elections.

be cast "For Town Liquor Control Stores." No election shall be called and held in the Town of Newton under the provisions of this Act within three years from the holding of the last

Time of special liquor election.

election thereunder. It shall be the duty of the Board of Aldermen of the Town of Newton to order the special liquor election herein authorized within sixty (60) days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Newton general election or primary election, or within thirty (30) days of any such election.

Creation of Board of Alcoholic Control.

SEC. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the Town of Newton shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Newton Board of Al-

Appointment of members; terms.

coholic Control." The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall

Successor and vacancy appointments.

serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Powers and duties of Board.

SEC. 5. The said Town of Newton Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The

Application of G. S. Ch. 18, Art. 3.

said Town of Newton Board of Alcoholic Control and the operation of any town liquor stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Con-

trol appears in said Article, it shall include Town of Newton Board of Alcoholic Control.

Allocation of net profits from operation of stores.

SEC. 6. Twenty per cent (20%) of the net proceeds derived from the operation of liquor control stores in the Town of Newton shall be paid to Catawba County and said sum may be used for any public purpose by the county board of commissioners. Seventy per cent (70%) of the net proceeds derived from the operation of said liquor stores shall be paid into the Town of Newton general fund and may be used for any public purpose by the governing body of said town.

Act inoperative if county election called within sixty days.

SEC. 7. The provisions of this Act shall not be effective if the county board of elections or the county board of commissioners shall call a county election on alcoholic beverage control stores as now provided by law within sixty days from the ratification of this Act, and such election may be held in Catawba County notwithstanding that an election has been previously held in the county within the last three years.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 466 CHAPTER 1267

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA SO AS TO PROVIDE FOR PAYING MEMBERS OF THE GENERAL ASSEMBLY $15.00 PER DAY AND PRESIDING OFFICERS $20.00 PER DAY FOR NOT MORE THAN 90 DAYS FOR A REGULAR SESSION AND 25 DAYS FOR AN EXTRA SESSION.

The General Assembly of North Carolina do enact:

Sec. 28, Art. 2, Constitution of North Carolina, amended.

SECTION 1. That the Constitution of the State of North Carolina, be and is hereby amended by striking out Section 28, Article 2, and inserting in lieu thereof the following:

Compensation of members and presiding officers of General Assembly.

"SEC. 28. Pay of Members and Presiding Officers of the General Assembly. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen dollars ($15.00) per day for each day of their session, for a period not exceeding ninety days; and should they remain longer in session they shall serve without compensation. The compensation of the presiding

officers of the two houses shall be twenty dollars ($20.00) per day for a period not exceeding ninety days. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty-five days."

Submission of amendment at general election.

SEC. 2. Section 1 of this Act shall be submitted at the next general election to the qualified voters in the State in the same way and manner and under the same rules and regulations governing general elections in this State.

Form of ballots.

SEC. 3. In such election the electors favoring the adoption of the amendment in Section 1 of this Act shall vote ballots on which shall be printed or written the words "For amendment allowing limited necessary compensation of members of the General Assembly"; and those opposed shall vote a ballot upon which shall be written or printed the words "Against amendment allowing limited necessary compensation of members of the General Assembly."

Conduct of election.

SEC. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of this amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in force, and every part thereof, from and after the date of such certification.

Certification of amendment.

Enrollment.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 891 CHAPTER 1268

AN ACT TO EXEMPT FROM TAXATION FARM PRODUCTS HELD FOR SHIPMENT IN FOREIGN COMMERCE.

The General Assembly of North Carolina do enact:

G. S. 105-297, Machinery Act, amended.

SECTION 1. G. S. 105-297 be and the same hereby is amended by adding another Subsection thereto which shall read as follows:

"(13) All cotton, tobacco or other farm products held or stored for shipment to any foreign country in any seaport terminals in North Carolina or in any city or town in North Carolina in which is located any seaport or within ten miles of the corporate limits of such city or town."

Farm products held in seaport terminals for shipment to foreign country exempt from taxation.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1139 CHAPTER 1269

AN ACT TO PERMIT LICENSED OWNERS OF PRIVATE PONDS AND LAKES IN MOORE COUNTY TO TAKE AND SELL FISH THEREFROM.

The General Assembly of North Carolina do enact:

SECTION 1. Notwithstanding any other State laws, or any rule or regulation of any State department of agency to the contrary, it shall be lawful for any owner or joint owner of any privately-owned pond or lake in Moore and Caswell Counties, or any member of their immediate families, to take and sell fish of any kind from any such pond or lake at any time during the year, upon securing a State license and permit as hereinafter provided in this Act.

Moore and Caswell Counties, sale of fish from private ponds by owners or family.

License and permit required.

SEC. 2. Before any fish can be lawfully taken and sold from any privately-owned pond or lake in Moore and Caswell Counties, the owner or owners thereof shall apply to the North Carolina Wildlife Resources Commission for a permit and license for such taking and sale of fish, and upon the payment of such license fees as the commission may determine, the commission may issue to any such bona fide owner an annual license and permit to take and sell such fish from his own privately-owned pond or lake only; *provided, however,* that all such fish so sold shall be identified by official tags or other means of identification issued by the North Carolina Wildlife Resources Commission to the holder of each such license or permit, upon the payment of such charges therefor as the commission may determine.

Application to N. C. Wildlife Resources Commission for permit and license.

Issuance of license and permit.

Identification of fish sold.

SEC. 3. Any person taking and selling any fish from any privately-owned pond or lake in Moore and Caswell Counties without having applied for and received a State license and permit therefor, and without complying with all other provisions of this Act, shall be guilty of a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.

Violations made misdemeanor.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1149 CHAPTER 1270

AN ACT TO AMEND HOUSE BILL NO. 229, RATIFIED MARCH 16, 1949, ENTITLED "AN ACT TO AMEND SECTION 153-77 OF THE GENERAL STATUTES SO AS TO AUTHORIZE COUNTIES TO ISSUE BONDS AND LEVY TAXES OR OTHERWISE PROVIDE FOR THE ERECTION AND PURCHASE OF LIBRARY BUILDINGS AND EQUIPMENT."

The General Assembly of North Carolina do enact:

Ch. 354, Session Laws, 1949, relating to County Finance Act, amended to authorize bond issue for public libraries.

SECTION 1. Section 1 of House Bill No. 229, ratified March 16, 1949, entitled "An Act to Amend Section 153-77 of the General Statutes so as to Authorize Counties to Issue Bonds and Levy Taxes or Otherwise Provide for the Erection and Purchase of Library Buildings and Equipment", is hereby amended by striking out lines 5, 6 and 7 of said Section and inserting in lieu thereof the following:

"(m) Erection and purchase of library buildings and equipment."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1203 CHAPTER 1271

AN ACT TO AMEND SECTION 105-169 OF THE GENERAL STATUTES AS THE SAME RELATES TO THE SALES TAX ON ARTIFICIAL INSEMINATION OF ANIMALS.

The General Assembly of North Carolina do enact:

SECTION 1. Section 105-169 of the General Statutes is hereby amended by inserting therein a new subsection, to be designated subsection (c1), to follow immediately subsection (c), and to read as follows:

G. S. 105-169, Revenue Act, Sales Tax, amended as to exemptions.

"(c1) Sales of semen to be used in the artificial insemination of animals."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1238 CHAPTER 1272

AN ACT TO AUTHORIZE THE CITY OF GOLDSBORO TO DONATE AND CONVEY LAND TO THE STATE OF NORTH CAROLINA TO BE USED FOR MILITARY PURPOSES.

WHEREAS, the City of Goldsboro owns lands situated in said city which are suitable as a site for the location of a building or buildings for the use of the North Carolina National Guard or for other military purposes; and

Preamble: City of Goldsboro, certain city-owned property suitable for military purposes.

WHEREAS, the State of North Carolina has expressed, through its military officers, the desire to acquire from the City of Goldsboro a suitable site for the location of a building or buildings appropriate for the use of the North Carolina National Guard and for other military purposes; and

Desire of State to acquire such property from city.

WHEREAS, the City of Goldsboro desires to cooperate with the State and Federal Governments in the plan to locate such building or buildings in the city by contributing the building site, as same would be a valuable asset in the city and would serve a vital public purpose: *Now, therefore,*

Desire of city to cooperate with State and Federal Governments.

The General Assembly of North Carolina do enact:

SECTION 1. That the City of Goldsboro is hereby granted the authority to convey to the State of North Carolina, in fee simple, by one or more conveyances, without monetary consideration,

City of Goldsboro authorized to convey to State property to be used for military purposes.

upon such terms and conditions as shall be agreed upon between the Board of Aldermen of the City of Goldsboro and the military officials of the State of North Carolina, a parcel or parcels of land owned by it located within the city as a site for the location and construction of a building or buildings for the use of the National Guard or for other military purposes.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1293 CHAPTER 1273

AN ACT TO AMEND G. S. 106-25 RELATING TO COOPERATION BETWEEN THE STATE DEPARTMENT OF AGRICULTURE, THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE COUNTY COMMISSIONERS OF THE VARIOUS COUNTIES OF THE STATE IN THE TAKING OF FARM CENSUS SURVEYS.

The General Assembly of North Carolina do enact:

G. S. 106-25, relating to farm census surveys, amended.

SECTION 1. G. S. 106-25, as amended by Chapter 540 of the Session Laws of 1947, is rewritten to read as follows:

Procedure for annual farm census surveys and reports.

Selection of census takers by county commissioners.

Term and compensation.

Duties of person appointed.

Return and delivery of books, etc., to county commissioners.

"G. S. 106-25. The said department shall annually provide and submit report books or forms to the person appointed by the board of county commissioners of the several counties of the State to collect and compile the statistical information required by Sections 106-24 to 106-26. In selecting the person to collect such information, the board of county commissioners in each county in the State may require such information to be collected by the tax supervisor or the list takers of each county, or they may appoint some other person for the specific purpose of supervising and collecting such information. The person so appointed shall serve at the will of the county commissioners and shall be paid such compensation for such services as may be deemed proper. Such report books or forms shall be furnished the person so appointed before he enters upon his duties. It shall be the duty of each person so appointed to fill out or cause to be filled out in the report books or forms, herein provided for and received by him, authentic information required to be tabulated therein, and, upon completion of such tabulation, shall return and deliver the said books or forms to the board of county commissioners of his county, within ten days after the time prescribed by law for securing the tax lists of his county. The

person so appointed shall carefully check said books or forms for the purpose of determining whether or not at least ninety per cent (90%) of the tracts of land of such county are acceptably reported on in such report books or forms. Upon the receipt of the report books or forms properly filled out in accordance with Sections 106-24 to 106-26, the board of county commissioners of each county in the State shall, within ten days after receipt thereof, inspect and transmit or deliver such report books or forms to the Department of Agriculture. The information required in Sections 106-24 to 106-26 shall be held confidential by all persons having any connection therewith and by the Department of Agriculture. No information shall be required hereunder on land tracts consisting of less than three acres."

Determination of sufficiency of reports.

Transmission of books, etc., by county commissioners to Department of Agriculture.

Confidential nature of information.

SEC. 2. G. S. 106-26 is rewritten to read as follows:

G. S. 106-26, rewritten.

"G. S. 106-26. In order to encourage maximum cooperation and efficiency, the Department of Agriculture shall pay to the county commissioners of the various counties of the State from appropriations made to the Department of Agriculture, the sum of ten cents (10c) per acceptable report received by the Department of Agriculture in accordance with the provisions of Sections 106-24 to 106-26: *Provided, however*, that no such payment shall be made for any report from any township which does not cover acceptably at least ninety per cent (90%) of the tracts of land within such townships. In all those cases where the report covers less than eighty per cent (80%) of the tracts of land in a township, the Department of Agriculture shall withhold from the amount due the county for furnishing such reports the sum of twenty cents (20c) for each farm report shortage, and shall further deduct therefrom the sum of two dollars ($2.00) for each unauthenticated report. Upon request, all report books or forms which are not complete in accordance with the provisions of Sections 106-24 to 106-26 shall be returned to the county board of commissioners or person charged with the duty of supervising or compiling the statistical survey information, in order that the same may be properly completed to comply with the provisions of this Act."

Compensation payable by Department of Agriculture for reports received.

Deductions for incomplete reports.

Return of incomplete books or forms for completion as required.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1308 CHAPTER 1274

AN ACT RELATING TO LEAVES OF ABSENCE FOR SCHOOL SUPERINTENDENTS, PRINCIPALS, AND TEACHERS ENGAGED IN TRAINING IN MILITARY OR NAVAL RESERVE UNITS.

The General Assembly of North Carolina do enact:

G. S. 127-83, leaves of absence for State employees, for military training, amended to include school personnel.

SECTION 1. G. S. 127-83 is hereby amended by placing a comma immediately following the word "state" and immediately preceding the word "who" in line two, and inserting the following words: "including superintendents, principals, and teachers in the public schools of the state,".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1316 CHAPTER 1275

AN ACT RELATING TO A DRAINAGE DISTRICT IN ROWAN AND IREDELL COUNTIES TO BE KNOWN AS ROWAN-IREDELL DRAINAGE DISTRICT NO. 2.

The General Assembly of North Carolina do enact:

Rowan-Iredell County Drainage District No. 2 created.

SECTION 1. There is hereby created a drainage district in Rowan and Iredell Counties, to be known as Rowan-Iredell County Drainage District No. 2 and to be comprised of the following territory: All that area along and lying within one mile of the channel of Fourth Creek between the eastern boundary of the Iredell-Rowan County Drainage District No. 1 and the South Yadkin River; and all that area lying along and within one mile of the channel of Third Creek between the point where the Statesville-Charlotte Railroad in Iredell County crosses Third Creek and the point where Third Creek joins Fourth Creek in Rowan County; and all that area in Rowan County lying along and within one mile of the channel of Second Creek and its tributaries.

Boundaries.

Appointment of commissioners.

SEC. 2. There shall be three commissioners for said drainage district. Two of said commissioners shall be appointed by the Clerk of the Superior Court of Rowan County and one by the Clerk of the Superior Court of Iredell County, all of whom shall serve for a term of four years, or until their successors are appointed. The terms of office of said commissioners shall commence on May 1, 1949, and quadrennially thereafter. Any va-

Terms.

cancy shall be filled for the unexpired term by appointment by the Clerk of the Superior Court of the county with respect to which such vacancy occurs. All acts done by said commissioners shall be done in the name of the Rowan-Iredell County Drainage District No. 2, and the vote of a majority shall control.

Vacancy appointments.

Commissioners to act in name of district.

SEC. 3. Said district shall have full power and authority to sue and be sued in the name: Rowan-Iredell County Drainage District No. 2, to make and enter into contracts for the drainage of lands and all other contracts incidental thereto, to make assessments, and shall have all other powers of a drainage district as are provided by the General Drainage Laws of the State of North Carolina, which are not in conflict with the provisions of this Act.

Powers of district.

SEC. 4. The said commissioners shall meet and shall fairly assess the benefits to each separate parcel of land in the said district for the purpose of raising money to do all things necessary to drain the area within the said district.

Assessments.

SEC. 5. After the assessment is made by said commissioners, they shall mail a notice to the last known post office address of each property owner whose lands within said district are in Rowan County, giving the date of the assessment, the amount thereof, and notify him to appear before a meeting of said commissioners at the courthouse in Salisbury, North Carolina, on a date to be fixed in said notice, not later than thirty (30) days from the date of the said notice, and object or except to said assessment, if any objection he has. If objection is made by any property owner whose lands lie within said district in Rowan County, and an agreement is not made, he may appeal to the Superior Court of Rowan County, from said assessment, in the same manner as is provided for appeals from assessments in the General Drainage Laws of the State of North Carolina. In case of an appeal by any objector, and the assessment is confirmed by the Superior Court, the said assessment shall be in full force and effect from the same date. After the hearing as above provided for, the said commissioners shall make and sign an order showing what assessments upon lands lying within said district in Rowan County theretofore made by them, are ratified, approved and confirmed.

Notice of assessments in Rowan County.

Contents.

Objection to assessment.

Appeal to Superior Court, Rowan County.

Effect of confirmation by Superior Court.

Order of confirmation of assessments by commissioners.

SEC. 6. After the assessment is made by said commissioners, they shall mail a notice to the last known post office address of each property owner whose lands within said district are in Iredell County, giving the date of assessment, the amount thereof, and notify him to appear before a meeting of said commissioners at the courthouse in Statesville, North Carolina, on a date fixed in said notice not later than thirty (30) days from the date of the said notice, and object or except to said assessment, if any objection he has. If objection is made by any property owner whose lands lie within said district in Iredell

Notice of assessments in Iredell County.

Contents.

Objection to assessment.

Appeal to Superior Court, Iredell County.

Effect of confirmation by Superior Court.

Order of confirmation of assessments by commissioners.

County, and agreement is not made, he may appeal to the Superior Court of Iredell County, from said assessment, in the same manner as is provided for appeals from assessments in the General Drainage Laws of the State of North Carolina. In case of an appeal by any objector, and the assessment is confirmed by the Superior Court, the said assessment shall be in full force and effect from the same date. After the hearing as above provided for, the said commissioners shall make and sign an order showing what assessments from lands lying within said district in Iredell County theretofore made by them, are ratified, approved and confirmed.

Preparation of assessment roll.

Contents.

Assessment rolls placed with tax collectors of respective counties.

SEC. 7. It shall then be the duty of said commissioners to make up and prepare an assessment roll, or assessment sheet, for the lands lying within said district in Rowan County, and an assessment roll, or assessment sheet, for the lands lying within said district in Iredell County, on each of which shall appear the name of the person assessed, the number of acres of land assessed, the approximate location thereof, and the total amount of the assessment against said lands. The said assessment rolls or sheets, for the lands lying within said district in Iredell County, shall be placed in the hands of the Tax Collector of Iredell County for collection. The assessment rolls, or sheets, for the lands lying within said district in Rowan County, shall be placed in the hands of the Tax Collector of Rowan County, for collection.

Lien of assessments.

Collection.

SEC. 8. The amount of the assessment as shown on the said assessment rolls, or sheets, shall be a lien on the property against which it is assessed from the time the said rolls, or sheets, are placed in the hands of the Tax Collector for Iredell County or Rowan County, as the case may be, who shall make a notation thereon showing said time and date, and shall have the same force and effect as a tax lien, and shall be collected in the same manner as provided under the general laws of the State of North Carolina, for the collection of taxes.

Application of G. S. Ch. 156, Subchapter III.

SEC. 9. Except as they may conflict with the provisions of this Act, the provisions of Subchapter III, Chapter 156 of the General Statutes and amendments thereto, shall be in full force and effect.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws to the extent that they create drainage districts embracing any territory within the area herein described for the Rowan-Iredell Drainage District No. 2, are hereby repealed; and no drainage district provided for under the laws of this State shall have any authority to administer or otherwise perform any acts within the area herein described as comprised in the Rowan-Iredell Drainage District No. 2 except said Drainage District No. 2.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1317 CHAPTER 1276

AN ACT TO AUTHORIZE DRAINAGE DISTRICTS IN ROWAN AND IREDELL COUNTIES TO COOPERATE WITH THE FEDERAL GOVERNMENT IN THE IMPROVEMENT OF THE DRAINAGE OF LANDS LYING WITHIN SAID DISTRICTS.

The General Assembly of North Carolina do enact:

Rowan and Iredell Counties, drainage districts authorized to cooperate with Federal Government in drainage programs.

SECTION 1. For the benefit of the landowners in all of the duly organized and existing drainage districts in Rowan and Iredell Counties (whether organized under the provisions of Chapter 156 of the General Statutes or under the provisions of Local or Private Laws), and any drainage district in said counties provided for by the General Assembly of 1949, the commissioners of such districts are hereby authorized and empowered to cooperate with the Federal Government in the maintenance and improvement of the drainage of the land lying within the respective counties and within the boundaries of the several drainage districts therein.

Assessments.

SEC. 2. The commissioners of the said several drainage districts are hereby authorized and empowered, from time to time, to assess the lands within the several drainage districts therein in accordance with their classification.

Notice of assessment.

SEC. 3. Prior to the levying of any assessment under the provisions of this Act by the commissioners of any such drainage district, such commissioners shall give notice for three weeks by publication in some newspaper published in the county and also by posting a notice at the door of the courthouse of each county in which any part of said district lies and at five conspicuous places in each of the districts reciting that they propose to assess the lands within such districts to provide funds to meet or match any Federal funds which may be allotted to said districts, or either of them, for the purpose of maintenance and improvements. No levy shall be made under the provisions of this Act except for the purposes set forth in this Section.

Contents of notice.

Method of assessment.

SEC. 4. The assessments authorized to be made in this Act shall be made in the same manner as assessments are made on other drainage districts in Sections 156-95, etc., of the General Statutes, or as provided by local laws.

Powers herein granted declared supplemental.

SEC. 5. The powers herein granted shall be in addition to any powers granted by general, special or local laws of North Carolina and not in substitution thereof.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1318 CHAPTER 1277

AN ACT TO AUTHORIZE AND EMPOWER THE GOVERNING BODY OF THE CITY OF DURHAM, WITHOUT REQUIRING THE CONSENT OF THE OWNERS, TO APPORTION SPECIAL ASSESSMENTS BETWEEN AND AMONG THE VARIOUS SUBDIVISIONS OF PROPERTY AGAINST WHICH THE SAID SPECIAL ASSESSMENTS MAY HAVE BEEN THERETOFORE LEVIED, SO AS TO MAKE MORE CONVENIENT TO THE PROPERTY OWNERS THE RELEASE OF AN INDIVIDUAL LOT UPON PAYMENT OF THE PROPORTION OF THE ASSESSMENTS ALLOCATED AND REAPPORTIONED TO SUCH LOT.

The General Assembly of North Carolina do enact:

City of Durham, apportionment of special assessments among subdivisions of property.

SECTION 1. In any case where one or more special assessments shall have been made against any property for any local improvement or improvements authorized by the general law or by any Public-Local or Private Law, and said property shall thereafter be subdivided or about to be subdivided and it is, therefore, desirable that said assessment or assessments be apportioned among the subdivisions of such property, the Governing Body of the City of Durham may, without requiring any petition or consent from the property owners or other persons affected thereby, apportion said assessment or assessments, or the total thereof, fairly among said subdivisions, as same are benefited by the improvement and release such subdivisions, if any, as in the opinion of the said governing body are not benefited by the improvement. Upon the making of such reapportionment and reallocation, each of said subdivisions shall be relieved of any part of such original assessment or assessments except the part thereof apportioned to said specific lot, parcel, or subdivision, and the part of said original assessment or assessments apportioned to any such lot, parcel, or subdivision shall be of the same force and effect as to such lot, parcel or subdivision to the extent of the amount and interest thereon apportioned to said lot, parcel, or subdivision as the original assessment or assessments were prior to the making of such reapportionment. The

Effect of apportioned assessment.

making of such apportionment by said governing body shall be by resolution, which resolution shall set forth the manner and extent of the reapportionment with sufficient clarity to enable the office of the city tax collector to correctly and accurately reflect such reapportionment upon the records of such assessment account or accounts in his office. Such reapportionment or reassessment may include past due installments of principal, interest, and penalty, if any, as well as assessments not then due, and the remaining installments shall fall due.

Apportionment to be made by resolution of governing body.

SEC. 2. When it is proposed to make a reapportionment of such assessments as authorized by this Act the said governing body shall adopt a preliminary resolution which shall contain substantially the following:

Adoption of preliminary resolution.

Contents.

(a) A brief description or statement of the location of the property affected;

Description of property.

(b) The total principal amount of the assessments involved in said proposed reapportionment, together with a brief statement showing the date of confirmation and the kind and character of said assessments.

Assessment involved.

(c) A notice of the time and place when and where a public hearing will be held on the question of making a reapportionment or reassessment of such assessments, and the extent thereof. (The time fixed for such public hearing shall be such as to allow of notice being given thereof not less than two weeks prior thereto).

Notice of public hearing.

The said Resolution shall be published once a week for two successive weeks in some newspaper published in Durham County, the first publication to be at least two weeks prior to the said public hearing. At the time for the public hearing, or at some subsequent time to which such hearing shall be adjourned, the governing body shall consider all objections which may be made to the making of such reapportionment, and shall thereafter determine whether it will make such reapportionment and the manner and extent to which said reapportionment of such assessments will be made. The final decision of said governing body shall be in the form of a Resolution making such apportionment, which Resolution shall set forth all of the facts and pertinent provisions mentioned and required by Section 1 of this Act.

Publication of resolution.

Hearing.

Final decision of governing body in form of resolution making apportionment.

SEC. 3. This Act shall apply only to the City of Durham.

Application of Act.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1322 CHAPTER 1278

AN ACT TO FIX THE SALARIES OF THE COUNCIL OF STATE AND THE ATTORNEY GENERAL, EFFECTIVE AFTER THE EXPIRATION OF THEIR PRESENT TERM OF OFFICE.

The General Assembly of North Carolina do enact:

Salary increases for State officials.

SECTION 1. The salaries of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor and Commissioner of Insurance shall be, from and after the expiration of the present term of office of said officers, nine thousand dollars ($9,000.00) per year, and the Attorney General of State shall receive ten thousand and eighty dollars ($10,080.00) per year, said salaries payable in equal monthly installments.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1323 CHAPTER 1279

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF PITT COUNTY.

The General Assembly of North Carolina do enact:

Ch. 376, Session Laws, 1947, amended.

SECTION 1. Amend Chapter 376 of the Session Laws of 1947 by rewriting Section 1 of said Chapter 376 so that the same shall hereafter read as follows:

Pitt County, compensation of chairman and members of Board of County Commissioners.

"SECTION 1. That on and after the first day of May, 1949, each member of the Board of County Commissioners of Pitt County, except the Chairman, shall receive as full compensation for his services the sum of fifty dollars ($50.00) per month, and the chairman shall receive the sum of seventy-five dollars ($75.00) per month, said money to be paid from Pitt County funds."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1328 CHAPTER 1280

AN ACT TO REGULATE FEES OF THE CLERK OF THE SUPERIOR COURT OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter 877 of the 1947 Session Laws of North Carolina is hereby amended as follows:

Ch. 877, Session Laws, 1947, relating to fees of Clerk Superior Court, Wilson County, amended.

Amend Section 2 by striking out the words "seventy-five dollars ($75.00)" as they appear therein and inserting in lieu thereof "one hundred dollars ($100.00)" and by striking out the words "one hundred dollars ($100.00)" as they appear therein and inserting in lieu thereof the words "one hundred twenty-five dollars ($125.00)".

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1331 CHAPTER 1281

AN ACT TO AMEND HOUSE BILL #1076 1949 SESSION RELATING TO THE OFFICE OF SOLICITOR OF THE HARNETT COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend House Bill #1076, 1949 Session by adding at the end of Section 1 the following:

Ch. 868, Session Laws, 1949, relating to election of solicitor, Harnett County Recorder's Court, amended.

Provided, that only the qualified voters residing within the jurisdiction of said court shall be permitted to vote in any primary or general election upon the solicitor of said court.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1333 **CHAPTER 1282**

AN ACT FOR THE RELIEF OF MR. HARRY C. HARWELL FOR INJURIES TO HIS AUTOMOBILE INCURRED IN A SCHOOL BUS ACCIDENT.

Preamble: Town of Belmont, school bus accident resulting in damages to automobile of Harry C. Harwell.

WHEREAS, on the seventh day of April, 1949, school bus No. 103 was being driven by James Duff in the Town of Belmont in Gaston County when said driver admittedly made a negligent and faulty turn to the right causing him to crash into the automobile of Harry C. Harwell, which automobile was stopped at a red light at the intersection of Central Avenue and South Main Street, and said automobile was thereby damaged to an estimated amount of thirty dollars and ninety cents ($30.90): *Now, therefore,*

Amount of damages.

The General Assembly of North Carolina do enact:

N. C. Industrial Commission authorized to investigate and pay claim of Harry C. Harwell.

SECTION 1. The North Carolina Industrial Commission is hereby authorized to investigate the claim of Harry C. Harwell and pay to Harry C. Harwell such sum as it may deem just and proper in view of all the facts in the case, not exceeding thirty dollars and ninety cents ($30.90).

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1336 **CHAPTER 1283**

AN ACT TO AMEND HOUSE BILL NO. 384 "A BILL TO BE ENTITLED AN ACT TO DEFINE, CLASSIFY AND REGULATE MOTOR CARRIERS OF PASSENGERS OVER THE HIGHWAYS OF THE STATE FOR COMPENSATION: CONFERRING UPON THE UTILITIES COMMISSION THE POWER TO GRANT CERTIFICATES AND PERMITS OF PUBLIC CONVENIENCE AND NECESSITY; TO FIX RATES, TARIFFS AND SCHEDULES; TO REQUIRE THE ESTBLISHMENT AND MAINTENANCE OF PASSENGER STATIONS; TO PRESCRIBE AND ENFORCE RULES FOR THE SAFETY AND PROTECTION OF THE TRAVELING PUBLIC AND GENERALLY TO REGULATE, IN THE PUBLIC INTEREST, MOTOR CARRIERS OF PASSENGERS OPERATING IN THIS STATE; AND TO REPEAL ARTICLE 6, CHAPTER 62 OF THE GENERAL STATUTES OF NORTH CAROLINA OF 1943." ENROLLED AND RATIFIED ON APRIL 22, 1949.

The General Assembly of North Carolina do enact:

Ch. 1132, Session Laws, 1949, Bus Act of 1949, amended, as to issuance of permits to contract carriers.

SECTION 1. Amend House Bill No. 384, which was enrolled and ratified on April 22, 1949, by striking out the words and figures "January 1st, 1949" appearing in line 2 of Section 8 and by inserting in lieu therefor the words and figures "October 1st, 1948"; and amend further by striking out the words and figures "within twelve (12) months prior to the ratification of this Act," appearing in lines 6 and 7 of said Section 8 and by inserting in lieu therefor the following: "on October 1st, 1948,".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1337 CHAPTER 1284

AN ACT TO MAKE AN APPROPRIATION TO THE BOARD OF PUBLIC BUILDINGS AND GROUNDS TO PROVIDE FOR THE PURCHASE OF CHAIRS FOR THE SENATE CHAMBER AND THE HALL OF THE HOUSE IN THE STATE CAPITOL.

The General Assembly of North Carolina do enact:

Appropriation for purchase of chairs for Senate Chamber and Hall of the House in State Capitol.

SECTION 1. There is hereby appropriated to the State Board of Public Buildings and Grounds out of the General Fund of the State the sum of twelve thousand dollars ($12,000.00), and said twelve thousand dollars ($12,000.00), and such sum as has heretofore been appropriated by the General Assembly of 1949 for the purpose of repairing the chairs in the Senate Chamber and the Hall of the House in the State Capitol, shall be used for the purchase of chairs for said Senate Chamber and Hall of the House.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1339 CHAPTER 1285

AN ACT TO AMEND HOUSE BILL NO. 1063, ENTITLED "AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA", RELATING TO THE JUSTICES OF THE PEACE OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Ch. 722, Session Laws, 1949, Omnibus Justice of Peace Act, amended as to Currituck County.

SECTION 1. Section 1 of House Bill No. 1063, ratified on the first day of April by the 1949 Session of the General Assembly of North Carolina, is hereby amended by inserting after the word "Snowden." which appears in line 171 of said Section a comma and the words "Mrs. Harriette Hampton Nottingham".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1341 CHAPTER 1286

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS OF CHATHAM COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED EXCEPT TAXES LEVIED FOR SCHOOL PURPOSES, FOR THE YEAR 1944, AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Chatham County, certain delinquent tax collections allocated to General Fund.

SECTION 1. The Board of County Commissioners of Chatham County be, and it is hereby, required to turn into the General Fund of the County of Chatham the proceeds of all uncollected taxes which may hereafter be collected for the year of 1944, and all prior years: *Provided, however,* that all of the taxes levied for said years for school purposes shall be paid over to the Board of Education of Chatham County and placed in the current expense or General Fund of said Board of Education.

Taxes for school purposes excepted.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 419 CHAPTER 1287

AN ACT TO AMEND SECTION 20-38 AS THE SAME RELATES TO THE DEFINITION OF CONTRACT HAULER VEHICLES.

The General Assembly of North Carolina do enact:

G. S. 20-38, Motor Vehicle Act, amended as to definition of contract hauler vehicles.

SECTION 1. Amend Section 20-38 of the General Statutes by rewriting the first proviso of subdivision (1) of Subsection (r) to read as follows:

"*Provided,* it shall not be construed to include the transportation of farm crops or products, including logs, bark, pulp and tannic acid wood delivered from farms and forests to the first or primary market, nor to perishable foods which are still owned by the grower while being delivered to the first or primary market by an operator of not more than one truck or trailer for hire, nor to merchandise hauled for neighborhood farmers incidentally and not as a regular business in going to and from farms and primary markets."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1295 CHAPTER 1288

AN ACT TO PROVIDE FOR THE CONSOLIDATION AND MERGER OF THE BESSEMER SANITARY DISTRICT WITH THE CITY OF GREENSBORO WHEN CERTAIN CONDITIONS PRECEDENT THERETO HAVE BEEN COMPLIED WITH, AND TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Consolidation and merger of Bessemer Sanitary District into City of Greensboro.

SECTION 1. That subject to the further provisions of this Act the Bessemer Sanitary District, a sanitary district in the County of Guilford, duly created and existing under the laws of North Carolina, particularly General Statutes Chapter 130, Article 6, be and the same is hereby consolidated with and merged into the City of Greensboro, a municipal corporation in the County of Guilford, duly created and existing under the laws of North Carolina, its charter being Chapter 37 of the Private Laws of 1923, and the amendments thereto; and that from and after the declaration of said merger and consolidation, as hereinafter provided, said municipality and said sanitary district shall be and continue as one municipal corporation under the name and style of City of Greensboro, with its charter that of the present City of Greensboro, to-wit: Chapter 37 of the Private Laws of 1923, and the amendments thereto; and thereafter all of the territory now embraced in the Bessemer Sanitary District and the City of Greensboro shall constitute the corporate area of the City of Greensboro, which shall continue as a municipal corporation with all powers and privileges theretofore enjoyed by it and the territory theretofore embraced in the Bessemer Sanitary District shall be a part of the corporate area of the City of Greensboro.

Corporate area of Bessemer Sanitary District to remain a separate taxing district.

SEC. 2. That from and after the effective date of said consolidation and merger, the present corporate area of the Bessemer Sanitary District shall remain and be a separate taxing district for tax purposes, and the indebtedness of the Bessemer Sanitary District at the time of said consolidation and merger shall remain and be the indebtedness of said separate taxing district; and the Board of County Commissioners of Guilford County shall levy and collect within said area and taxing district sufficient taxes to pay the principal of and interest on said

Levy and collection of taxes within taxing district to pay indebtedness of district at time of merger.

indebtedness, and any indebtedness incurred by the Board of County Commissioners of Guilford County or the City of Greensboro to refund the same or any part thereof. City of Greensboro is hereby authorized to do and perform any and all acts and things which Bessemer Sanitary District has heretofore done and performed incident to the indebtedness of the Bessemer Sanitary District, and the Treasurer of Guilford County is hereby authorized and directed to make all payments heretofore made to Bessemer Sanitary District to City of Greensboro for payment on such indebtedness.

City of Greensboro to act in place of District with respect to indebtedness.

SEC. 3. That from and after the effective date of said consolidation and merger, the present corporate area of the City of Greensboro shall be and remain one or more separate taxing districts for tax purposes, and the indebtedness of the City of Greensboro at the time of said consolidation and merger shall be and remain the indebtedness of said separate taxing districts; and the Governing Body of the City of Greensboro shall levy and collect within said area and taxing districts sufficient taxes to pay the principal of and interest of said indebtedness, and any indebtedness incurred by the City of Greensboro to refund the same or any part thereof.

Indebtedness of City of Greensboro at time of consolidation.

SEC. 4. That from and after the effective date of said consolidation and merger, there shall not be levied and collected in the present corporate area of the Bessemer Sanitary District any taxes, assessments, or other charges for the purpose of paying either the principal of or the interest on any indebtedness of the City of Greensboro outstanding at the time of said consolidation and merger, or any indebtedness incurred by the City of Greensboro to refund the same or any part thereof; nor shall there be levied or collected within the present corporate area of the City of Greensboro any taxes, assessments, or other charges for the purpose of paying any indebtedness of the Bessemer Sanitary District outstanding at the time of said consolidation and merger, or any indebtedness incurred by the Board of County Commissioners of Guilford County or the City of Greensboro to refund the same or any part thereof.

Present corporate area of Bessemer City exempt from taxes for payment of indebtedness of Greensboro.

Present corporate area of Greensboro exempt from taxes for payment of indebtedness of Sanitary District.

SEC. 5. That from and after the effective date of said consolidation and merger, the charter of the City of Greensboro and the amendments thereto, all laws in force and effect relating to the City of Greensboro, and all ordinances in force and effect in the City of Greensboro shall apply to the present area of the Bessemer Sanitary District with the same force and effect, and to the same extent, as if the present corporate area of the Bessemer Sanitary District had been a part of the City of Greensboro at the time of the adoption and passage of said charter and the amendments thereto, and of said laws and ordinances.

Application of charter, etc., of Greensboro to Bessemer Sanitary District.

Levy and collection of general and specific taxes in enlarged municipality.

SEC. 6. That from and after the effective date of said consolidation and merger, taxes levied and collected by the City of Greensboro for general and specific or special purposes shall be levied and collected uniformly in all of the territory embraced in the enlarged municipality, except taxes to pay the indebtedness of the municipality and the sanitary district outstanding at the time of said consolidation and merger, or any indebtedness incurred by the Board of County Commissioners of Guilford County or the City of Greensboro to refund the same or any part thereof.

Accounts of District to become property of city.

SEC. 7. That from and after the effective date of said consolidation and merger, all accounts owing to the Bessemer Sanitary District as accounts receivable, notes receivable, assessments, taxes, liens, charges, or otherwise, belonging to or owned by or owed to the Bessemer Sanitary District shall belong to and be the property of the City of Greensboro; *provided, however,* that all amounts collected by the City of Greensboro on any such accounts receivable, notes receivable, assessments, taxes, liens, or other charges, owed to the Bessemer Sanitary District at the time of said consolidation and merger, shall be applied by the City of Greensboro toward the payment of the indebtedness of the separate taxing district constituted by the present corporate area of the Bessemer Sanitary District. Any property, real or personal, belonging to the Bessemer Sanitary District may be sold by the Bessemer Sanitary District Board to City of Greensboro or to any other person, firm or corporation at private sale or at public sale and the proceeds shall be used to reduce the indebtedness by the Bessemer Sanitary District.

Application of amounts received on accounts to payment of indebtedness of District.

Sale of property belonging to District.

Bessemer Sanitary District, election on question of consolidation and merger.

SEC. 8. That upon the presentation to the Board of Bessemer Sanitary District of a petition signed by thirty per cent (30%) or more of the qualified voters of the Bessemer Sanitary District calling for and requesting an election for the purpose of consolidation and merger that said consolidation and merger shall be submitted to the qualified voters of the Bessemer Sanitary District at a special election to be held in the Bessemer Sanitary District on such date as may be fixed by the Board of County Commissioners of Guilford County in the same way and manner and under the same rules and regulations as provided in the laws governing special elections in the Bessemer Sanitary District; and those approving said consolidation and merger shall vote a ballot "For the Consolidation and Merger of the Bessemer Sanitary District with the City of Greensboro" and those opposing said consolidation and merger shall vote a ballot "Against the Consolidation and Merger of the Bessemer Sanitary District with the City of Greensboro."

Form of ballot.

Contingencies of consolidation and merger.

SEC. 9. That said consolidation and merger shall not become effective until the following things have been done and performed, to-wit:

(a) Said consolidation and merger shall have been approved by a majority of the qualified voters of the Bessemer Sanitary District who shall vote thereon at the election provided for in Section 8 of this Act, and the results of said election shall have been certified to the Chairman of the Board of Bessemer Sanitary District and the Mayor of the City of Greensboro by the judges of said election.

Approval by majority of voters in district.

(b) A declaration shall have been signed by the Chairman of the Board of Bessemer Sanitary District and the Mayor of the City of Greensboro with their respective seals affixed thereto, and shall have been dated and filed in the office of the Clerk of the Superior Court of Guilford County, which declaration shall be substantially in words and form as follows:

Declaration of Chairman, Bessemer Sanitary District, and Mayor, City of Greensboro.

Form of declaration.

DECLARATION OF CONSOLIDATION AND MERGER OF THE BESSEMER SANITARY DISTRICT WITH THE CITY OF GREENSBORO

The undersigned Chairman of the Board of Bessemer Sanitary District and Mayor of the City of Greensboro, respectively, do hereby declare that the Bessemer Sanitary District has consolidated and merged with the City of Greensboro pursuant to Act of the General Assembly of North Carolina, 1949, entitled "An Act to Provide for the Consolidation and Merger of the Bessemer Sanitary District with the City of Greensboro when certain conditions precedent thereto have been complied with, and to provide for the extension of the corporate limits of the City of Greensboro."

This the ..... day of ....., 194.....

.....

Chairman of Board of Bessemer Sanitary District

(City Seal)

.....

Mayor of City of Greensboro

SEC. 10. That the declaration provided for in Subsection (b) of Section 9 of this Act shall be filed in the office of the Clerk of the Superior Court of Guilford County on the day on which it is dated, and said date shall be the effective date of the consolidation and merger of the Bessemer Sanitary District and the City of Greensboro, and said declaration, or a copy thereof, certified by the Clerk of the Superior Court of Guilford County shall be conclusive evidence that the consolidation and merger of the said municipality and sanitary district has been effected and consummated under the terms and provisions of this Act. The Clerk of the Superior Court of Guilford County shall record and index said declaration in the book in which charters of corporations are recorded and indexed in his office, and shall send a

Filing of declaration.

Effective date of consolidation and merger.

Evidence of consolidation and merger.

Recordation of declaration.

Copy to Municipal Board of Control.

certified copy of said declaration to the Municipal Board of Control of the State of North Carolina at Raleigh.

Annexation of additional territory to City of Greensboro.

SEC. 11. That any territory adjacent to City of Greensboro not embraced within the corporate limits of the Town of Hamilton Lakes or within the limits of the Bessemer Sanitary District may be annexed to City of Greensboro by compliance with the provisions of the Charter of the City of Greensboro, the same being Chapter 37, Private Laws 1923, as amended, or by compliance with the General Statutes of North Carolina with respect to annexation of adjacent territory, and any territory thus annexed to City of Greensboro at any time prior to January 1, 1950, shall not be liable for existing liabilities of the City of Greensboro and no tax shall ever be levied or collected in any new territory embraced in the City of Greensboro prior to January 1, 1950, to pay any bonds, notes, or other indebtedness or liability of the old corporation of Greensboro outstanding at the time such annexation becomes effective.

Annexed territory not liable for existing liabilities of City of Greensboro.

Laws and ordinances of new municipality.

SEC. 12. The provisions of Chapter 37, Private Laws 1923, as amended, except as the same conflict with this Act, and all ordinances in force and in the old corporation of Greensboro at the time of this Act and such annexation become effective are hereby declared to be laws and ordinances of the new municipality provided for in Section 13 of this Act, until repealed or amended as provided by law.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 984 CHAPTER 1289

AN ACT PROVIDING FOR THE ESTABLISHMENT OF ALCOHOLIC BEVERAGE CONTROL STORES IN FORSYTH COUNTY AND CITY OF WINSTON-SALEM, SUBJECT TO A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Forsyth County, election on establishment of A.B.C. stores and A.B.C. Board.

SECTION 1. The Board of Election of Forsyth County is authorized to call an election in such county upon the written request of the Board of County Commissioners of Forsyth County, or upon a petition to said board of elections signed by at least fifteen per centum (15%) of the registered voters in said county that voted in the last election for Governor, to de-

termine whether or not there shall be established an Alcoholic Beverage Control store or stores and a Forsyth County Board of Alcoholic Beverage Control, which board shall have all of the powers and duties, and shall be subject to the requirements and limitations contained in Chapter 49 of the Public Laws of 1937 (Chapter 18, Article 3, Section 36-62, inclusive, General Statutes of North Carolina) as heretofore amended, except as may be otherwise to the contrary herein provided, and the provisions of Chapter 18, Article 3, shall be applicable to said county except as herein otherwise provided. The calling and conduct of an election to determine whether or not a County Board of Alcoholic Beverage Control shall be established in Forsyth County, the operation and management of any store or stores established in Forsyth County hereunder for the sale of alcoholic beverages, the appointment and terms of office of the members of the Forsyth County Board of Alcoholic Control shall be subject to the provisions of Chapter 49 of the Public Laws of 1937, as heretofore amended, except as may be herein otherwise provided.

Powers and duties of Board; application of G. S. Ch. 18, Art. 3.

Conduct of election, etc.

SEC. 2. For the purpose of definition, alcoholic beverages as used in this Act are defined as follows:

"Alcoholic beverage" defined.

The term "alcoholic beverage" as used in this Act is hereby defined to be and to mean alcoholic beverages of any and all kinds which shall contain more than fourteen per centum (14%) of alcohol by volume, and unfortified wine, which shall mean wine of an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet or dextrose sugar, and having an alcoholic content of not less than five per cent (5%), the per centum of alcohol to be reckoned by volume, which wine has been approved as to identity, quality and purity by the State Board of Alcoholic Control as provided by law.

SEC. 3. In case the result of the election so called and held shall be in favor of County Alcoholic Beverage Control stores to be run by the Forsyth County Board of Alcoholic Beverage Control, then the following provisions shall go into effect, but not otherwise:

Sale of alcoholic beverages authorized in event of majority vote for operation of stores.

The Forsyth County Board of Alcoholic Beverage Control shall have authority to purchase, store and sell alcoholic beverages as above defined.

SEC. 4. The net profits from the sale of alcoholic beverages by the Forsyth County Board of Alcoholic Beverage Control, after deducting the amounts authorized or required by Section 18-45, General Statutes of North Carolina, for law enforcement and a reasonable amount to be determined by the Forsyth County Board of Alcoholic Beverage Control as working capital, shall be divided between the County of Forsyth and the incorporated cities and towns therein on the basis of the population in the county outside of incorporated cities and towns and the popula-

Allocation of net profits from operation of stores.

tion in the respective cities and towns, according to the last official United States census, such profits to be allotted to the general funds of the county and the respective cities and towns, the amounts of the payments to be determined semiannually as of June 30th and December 31st each year and shall be paid within sixty days thereafter.

City of Winston-Salem, election on establishment of A.B.C. store and A.B.C. board.

SEC. 5. The Board of Aldermen of the City of Winston-Salem is hereby authorized to call an election and to conduct the same in the City of Winston-Salem for the purpose of setting up and operating in such city an Alcoholic Beverage Control store or stores for the sale of alcoholic beverages as above defined, and to set up and establish a Winston-Salem Board of Alcoholic Beverage Control, such election to be called and conducted subject to the provisions of the Charter of the City of Winston-Salem as amended, relating to the election of Mayor of the City of Winston-Salem. On the petition of at least fifteen per cent (15%) of the registered voters in said city who voted in the last election for mayor, the Board of Aldermen of the City of Winston-Salem shall call and conduct an election to determine whether or not a Winston-Salem Alcoholic Beverage Control Board shall be established and authorized to sell alcoholic beverages as above defined. Ballots at such election shall contain the words "For City Alcoholic Beverage Control Stores" printed thereon, and "Against City Alcoholic Beverage Control Stores" printed on the same ballot. If a majority of the votes cast in such election shall be for City Alcoholic Beverage Control stores, then the Winston-Salem Alcoholic Beverage Control Board shall be established and an Alcoholic Beverage Control store or stores, as herein provided, may be set up and operated in such city, as herein provided; and if a majority of the votes cast at said election shall be against City Alcoholic Beverage Control stores, then no such stores shall be set up or operated by said city under the provisions of this Act. If established, such stores shall be subject to the requirements and limitations contained in Chapter 49 of the Public Laws of 1937 (Chapter 18, Article 3, Section 36-62, inclusive, General Statutes of North Carolina) as heretofore amended, except as may be otherwise to the contrary herein provided, and the provisions of Chapter 18, Article 3, shall be applicable to said city except as herein otherwise provided.

Conduct of election.

Form of ballot.

Effect of election results.

Application of G. S. Ch. 18, Art. 3, if stores established.

Winston-Salem Board of Alcoholic Control, membership; powers and duties; terms.

The members of the Winston-Salem Alcoholic Beverage Control Board shall be appointed by the Board of Aldermen of the City of Winston-Salem. They shall be five in number, shall have the powers and duties and shall possess the qualifications required of members of a county Alcoholic Beverage Control Board, as provided by Article 3 of Chapter 18, General Statutes of North Carolina, and shall serve for such terms of office as the board of aldermen may prescribe. The members of the Winston-Salem Alcoholic Beverage Control Board shall give the bonds required by Article 3, Chapter 18, General Statutes of North

Bond required of members of Board.

Carolina, and may be removed from office by the Board of Aldermen of the City of Winston-Salem for the reasons provided in said Article 3, Chapter 18, as amended. The Board of Aldermen of the City of Winston-Salem is authorized to fill any vacancy arising on the Winston-Salem Board of Alcoholic Beverage Control.

Removal from office.

Vacancy appointments.

The Board of Aldermen of the City of Winston-Salem shall have the authority to establish and maintain an Alcoholic Beverage Control Board, and such board shall be authorized to operate Alcoholic Beverage Control stores and to exercise any other authority under this Act, only during such period as the County of Forsyth does not operate Alcoholic Beverage Control stores. If the City of Winston-Salem, through its board of aldermen, shall establish an Alcoholic Beverage Control Board for the city and shall engage in the operation of Alcoholic Beverage Control stores, and thereafter the County of Forsyth shall begin the operation of such stores, then the Board of Aldermen of the City of Winston-Salem and the Winston-Salem Board of Alcoholic Beverage Control shall cease such operation and shall close all stores, warehouses and other establishments relating thereto, within ninety days from the date the county may open and begin the operation of its first Alcoholic Beverage Control store: *Provided*, if the County of Forsyth, either theretofore or thereafter shall vote against the establishment of such stores by the county, said county vote shall not affect or limit the authority of the City of Winston-Salem to establish and operate such stores or to exercise any other powers granted to it by the provisions of this Act.

Powers of Board of Aldermen with respect to administration of stores.

Closing of stores by city in event of operation of stores by Forsyth County.

Authority of city to establish stores unaffected by majority county vote against stores.

The net profits from the sale of alcoholic beverages by the Winston-Salem Board of Alcoholic Beverage Control, after deducting the amounts authorized or required by Section 18-45, General Statutes of North Carolina, for law enforcement and a reasonable amount to be determined by the Winston-Salem Board of Alcoholic Beverage Control, as working capital, shall be paid, at such times as the board of aldermen may prescribe, as follows: Seventy-five per cent (75%) shall be paid into the general funds of the city and twenty-five per cent (25%) shall be paid to the Governing Body of Forsyth County to be applied to the County of Forsyth School Debt Service Fund.

Allocation of net profits from operation of stores in Winston-Salem.

The Winston-Salem Board of Alcoholic Beverage Control shall also be authorized to exercise all of the powers above provided to be exercised by the Forsyth County Board of Alcoholic Beverage Control.

Powers and duties of Winston-Salem A.B.C. Board.

In case the result of the election so called and held shall be in favor of city Alcoholic Beverage Control stores to be run by the Winston-Salem Board of Alcoholic Beverage Control, then the following provisions shall go into effect, but not otherwise:

Sale of alcoholic beverages authorized in event of majority vote for operation of stores.

The Winston-Salem Board of Alcoholic Beverage Control shall have authority to purchase, store and sell alcoholic beverages as above defined.

Limitation on time between elections.

SEC. 6. No election shall be called and held in the City of Winston-Salem under the provisions of this Act within two years from the holding of the last election thereunder. No election shall be called and held in the County of Forsyth under the provisions of this Act within two years from the holding of the last election thereunder.

Violations of provisions of Act made misdemeanor.

SEC. 7. Any person violating the provisions of this Act shall be guilty of a misdemeanor and may be punished in the discretion of the court.

Act inoperative if county election called within sixty days.

SEC. 7½. The foregoing provisions of this Act shall not become effective if within sixty (60) days from the ratification of this Act, the county board of elections or the county board of commissioners shall call for a county election on Alcoholic Beverages Control Stores, as now provided by law.

Allocation of net profits from operation of county stores, if established.

SEC. 7¾. In the event a county-wide election is held pursuant to a call issued within sixty (60) days from the ratification of this Act by the Forsyth County Board of Elections, and if the vote is in favor of establishing said Alcoholic Beverages Control Stores, the net profits from the sale of alcoholic beverages by the Forsyth County Board of Alcoholic Beverage Control, after deducting the amounts authorized or required by Section 18-45, General Statutes of North Carolina, for law enforcement and a reasonable amount to be determined by the Forsyth County Board of Alcoholic Beverage Control as working capital, shall be divided between the County of Forsyth and the incorporated cities and towns therein on the basis of the population in the county outside of incorporated cities and towns and the population in the respective cities and towns, according to the last official United States census, such profits to be allotted to the general funds of the county and the respective cities and towns, the amounts of the payments to be determined semiannually as of June 30th and December 31st each year and shall be paid within sixty (60) days thereafter.

Conflicting laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 191 CHAPTER 1290

AN ACT TO REPEAL CHAPTER 336 OF THE SESSION LAWS OF 1947, RELATING TO THE DISTRIBUTION OF NET PROFITS FROM THE OPERATION OF THE DARE COUNTY ALCOHOLIC CONTROL BOARD, AND TO PROVIDE FOR THE BETTER ENFORCEMENT OF THE PROHIBITION LAWS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of Chapter 336 of the Session Laws of 1947 is hereby amended by inserting the words "the Manteo" between the word "of" and before "a" in line 4 of said Section, and striking out the word "stores" in line 4 of Section 1 of said Act, and inserting in lieu thereof the word "store".

Ch. 336, Session Laws, 1947, amended as to payment to Town of Manteo of portion of net profits from A.B.C. store operated therein.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July 1, 1949.

Effective date.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. B. 490 CHAPTER 1291

AN ACT TO AMEND COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 33, THE BIENNIAL APPROPRIATION BILL, AS TO TEACHERS' SALARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 20½ of Committee Substitute for House Bill No. 33, the Biennial Appropriation Act, relating to teachers' salaries, be amended by adding in Section 20½ after the words and figures "teachers holding A grade certificates to a range of $2200 to $3100", the following: "and teachers holding C grade and B grade certificates in the same proportion."

Ch. 1249, Session Laws, 1949, Biennial Appropriation Act, amended as to teachers' salaries.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 463 CHAPTER 1292

AN ACT TO AID WAR VETERANS BY ASSISTING COUNTIES IN PROVIDING COUNTY VETERANS SERVICE OFFICERS, AND TO PROVIDE FUNDS THEREFOR.

Preamble: Benefit to war veterans in providing service officers.

WHEREAS, many of the thousands of war veterans in this State would benefit greatly if Service Officers were available to advise, counsel and assist them; and

WHEREAS, the State should make every effort to assist the counties in providing for such service to war veterans and their dependents: *Now, therefore,*

The General Assembly of North Carolina do enact:

G. S. 165-6, amended.

SECTION 1. G. S. 165-6 is hereby amended by adding thereto a new Subsection, to be designated as G. S. 165-6 (c), and to read as follows:

Appropriation to N. C. Veterans Commission authorized.

"G. S. 165-6. (c) There is hereby appropriated to the North Carolina Veterans Commission out of the General Fund of the State the sum of fifty thousand dollars for the fiscal year beginning July 1, 1949, and ending June 30, 1950, and a like sum for the fiscal year beginning July 1, 1951, to be expended as set out below.

Appropriation to be used to supplement county appropriations for payment of expenses of County Veterans Service Officer.

"There may be paid by North Carolina Veterans Commission, in its discretion, to any county of the State, in quarterly installments, for each fiscal year of the next biennium a sum equal to such amount as the board of county commissioners of such county appropriates for the employment during such fiscal year of a County Veterans Service Officer, not exceeding one thousand dollars ($1000) to any one county, such money to be expended by the recipient county in supplementing its own appropriation for payment of the salary and other necessary expenses of a County Veterans Service Officer.

Authority of boards of county commissioners with respect to Veterans Service Officers.

"The board of county commissioners of each county of the State is hereby authorized to appropriate such amount as it may deem necessary to pay the salary of a County Veterans Service Officer, and to secure supplementary funds from the State, and the payment of such salary is hereby declared to be for a public purpose.

Effective date.

SEC. 2. This Act shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1207 **CHAPTER 1293**

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS TO REGULATE THE OPERATION OF RECORD-PLAYING MACHINES IN PUBLIC PLACES AND PUBLIC DANCE HALLS IN HALIFAX COUNTY.

Preamble: Halifax County, operation of record-playing machines during certain hours declared a nuisance.

WHEREAS, in Halifax County, the operation of record-playing machines, including those machines commonly referred to as nickelodeons, piccolos, and juke boxes, during certain hours of the day and night, is a nuisance and is detrimental to the health and welfare of the citizens of the county; and

Regulatory powers of municipalities.

WHEREAS, under the general law of this State, cities and towns have authority to regulate such operations; and

No authority with respect to territory outside corporate limits.

WHEREAS, no such authority exists in that territory situated outside the corporate limits of cities and towns in said county: *Now, therefore,*

The General Assembly of North Carolina do enact:

Halifax County, regulation of record-playing machines in public places.

SECTION 1. The Board of County Commissioners of Halifax County is authorized to regulate the operation in public places and public dance halls of machines playing records, or vending music, for a consideration, including those machines commonly referred to as nickelodeons, piccolos, and juke boxes.

Authority limited to territory outside corporate limits.

SEC. 2. The authority given to the Board of County Commissioners of Halifax County shall extend only to that portion of said county situated outside of the corporate limits of any city or town in said county.

Rules and regulations.

SEC. 3. The Board of County Commissioners of Halifax County is authorized to promulgate rules and regulations with respect to the operations referred to in this Act, and any person, firm, or corporation violating such rules and regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court.

Violations made misdemeanor.

Exemptions.

SEC. 3½. There is exempted from the operation of this Act the following:

Certain restaurants.

(a) All Grade A bona fide restaurants where alcoholic beverages are not sold or permitted to be sold on or in the vicinity of the premises of the owner or operator, and

Service, civic, etc., clubs.

(b) All bona fide veterans' service clubs and clubs of educational, civic, governmental, and/or nonprofit social organizations.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1340 CHAPTER 1294

AN ACT TO AMEND HOUSE BILL NO. 952 OF THE 1949 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Ch. 1167, Session Laws, 1949, amended.

Transfer of administration of laws regulating handling, etc., liquified petroleum gas to Dept. of Agriculture.

SECTION 1. Amend House Bill No. 952 by adding after line 115 in the printed bill the following language: "The administration of the equipment for handling, etc., liquefied petroleum gases, the same being Article 4 of Chapter 119 of the General Statutes of North Carolina, is hereby transferred from the Department of Insurance to the Department of Agriculture. In order to effectuate the purpose of this Act, all statutes in which administrative duties relating to equipment for handling, etc., of liquefied petroleum gases are imposed upon the Commissioner of Insurance are hereby amended so as to impose such duties upon the Commissioner of Agriculture and the following statutes are hereby specifically amended:

Specific amendments.

G. S. 119-49, amended to conform.

I. Amend Section 119-49 of the General Statutes of North Carolina by striking out the words "Commissioner of Insurance" in lines 9 and 27, and inserting "Commissioner of Agriculture".

G. S. 119-51, amended accordingly.

II. Amend Section 119-51 of the General Statutes of North Carolina by striking out the words "Commissioner of Insurance" in lines 5 and 6, and inserting "Commissioner of Agriculture".

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. B. 1342 **CHAPTER 1295**

AN ACT TO AMEND COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 33, RATIFIED AT THE 1949 SESSION OF THE LEGISLATURE.

The General Assembly of North Carolina do enact:

Ch. 1249, Session Laws, 1949, Biennial Appropriation Act, amended.

SECTION 1. Section 22½ of Committee Substitute for House Bill No. 33, as amended, is hereby further amended by adding at the end of said Section the following:

Allocation of appropriation for school plant facilities in event school building bonds are not issued.

"If the bonds authorized by House Committee Substitute for Senate Bill No. 203, as amended, for the construction, repair and improvement of school plant facilities are not issued, the twenty-five million dollars ($25,000,000) appropriated by this Section shall be allocated to the various counties of the State on the basis of two hundred fifty thousand dollars ($250,000) each. If the bonds provided for in House Committee Substitute for Senate Bill No. 203, as amended, are issued, the twenty-five million dollars ($25,000,000) provided for in this Section and the proceeds of the bonds issued pursuant to said House Committee Substitute for Senate Bill No. 203, as amended, shall be combined and the amount to be allocated in Section 2 of said House Committee Substitute for Senate Bill No. 203, as amended, is hereby increased to fifty million dollars ($50,000,000). This fifty million dollars ($50,000,000) shall be allocated as provided in Section 2 of House Committee Substitute for Senate Bill No. 203, as amended, on the basis of a two hundred fifty thousand dollar ($250,000) allocation to each county and a per capita allocation of twenty-five million dollars ($25,000,000) as therein provided."

Allocation of combined funds in event bonds are issued.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

RESOLUTIONS

S. R. 1 RESOLUTION 1

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS READY TO PROCEED WITH PUBLIC BUSINESS.

Resolved by the Senate, the House of Representatives concurring:

Committee to notify Governor of organization of General Assembly.

SECTION 1. That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the General Assembly is organized and now ready to proceed with public business, and invite him to deliver any messages that he may have, in person or in writing.

SEC. 2. That this Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of January, 1949.

S. R. 2 RESOLUTION 2

A JOINT RESOLUTION RELATIVE TO THE INAUGURATION OF GOVERNOR-ELECT AND OTHER STATE OFFICERS.

Resolved by the Senate, the House of Representatives concurring:

Committee appointed to cooperate in arrangements for inauguration.

SECTION 1. That a committee of two on the part of the Senate, to be selected by the Lieutenant Governor, and of three on the part of the House, to be selected by the Speaker, be appointed to cooperate with the committee appointed by the City of Raleigh and local organizations to arrange for the details incident to the inaugural ceremonies of Governor-elect Scott and other State officers.

Appropriation for inaugural expenses.

SEC. 2. That the sum of three thousand dollars ($3,000.00), or so much thereof as may be necessary, be, and is hereby, appropriated to cover the expenses incident to the inauguration, and the Auditor is hereby authorized and directed to issue warrants upon the Treasurer payable to the Adjutant General of North Carolina for such inauguration expenses as may be approved by the joint committee of the Senate and House, not to exceed in the aggregate the amount above named.

Issue of warrants for approved expenses.

SEC. 3. This Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of January, 1949.

S. R. 3 RESOLUTION 3

A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION FOR THE INAUGURATION OF THE GOVERNOR-ELECT AND OTHER STATE OFFICERS.

Resolved by the Senate, the House of Representatives concurring:

Joint session for witnessing inauguration of Governor-elect and other State officers.

SECTION 1. That the members of the Senate and House of Representatives convene in joint session in the City of Raleigh at the Memorial Auditorium on Thursday, January 6, 1949, at twelve o'clock noon, for the purpose of witnessing the inauguration of the Governor-elect of North Carolina and other State officers, and to receive the inaugural address of Governor W. Kerr Scott and any other matters that he may desire to bring before the joint session.

SEC. 2. That this Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of January, 1949.

H. R. 13 RESOLUTION 4

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S ADDRESS TO THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Printing and distribution of Governor's Address.

SECTION 1. That three thousand (3,000) copies of the Address of His Excellency, W. Kerr Scott, Governor of North Carolina, be forthwith printed and delivered at the Governor's office for such distribution of the same as he may desire to make.

SEC. 2. The Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of January, 1949.

H. R. 18

RESOLUTION 5

A JOINT RESOLUTION MEMORIALIZING THE NORTH CAROLINA MEMBERS OF CONGRESS IN THEIR EFFORTS TO REQUIRE UNITED STATES VETERANS ADMINISTRATION TO CONSTRUCT TWO VETERANS HOSPITALS IN THE STATE OF NORTH CAROLINA WHICH IT HAD HERETOFORE AGREED TO DO.

Preamble: Appropriations by U. S. Congress for construction of veterans hospitals.

WHEREAS, the Congress of the United States has heretofore appropriated sufficient funds to construct several hospitals for the care and treatment of disabled veterans; and

Approval of location of two hospitals in State.

WHEREAS, the United States Administration has heretofore approved the location of one of such hospitals at or near Salisbury, North Carolina, and one at or near the city of Charlotte, North Carolina; and

Cancellation of construction of hospitals.

WHEREAS, the Veterans Administration without any notice or warning has announced its intention to cancel the construction of at least 24 of the hospitals including the two which it had approved for location in North Carolina, and

N. C. members protesting cancellation.

WHEREAS, it is observed from the news reports that Senator Clyde R. Hoey, and Representatives Robert L. Doughton and Hamilton C. Jones are vigorously protesting the cancellation of the construction of said hospitals in North Carolina; and

Commendation of members for efforts; request for continued efforts.

WHEREAS, the General Assembly of North Carolina, being of the opinion that the locations of said hospitals in this State are badly needed, wish to commend Senator Hoey and Representatives Doughton and Jones in their efforts to persuade the Veterans Administration to construct said hospitals and to request them and the other members of the North Carolina delegation to continue in their efforts to secure the location of said hospitals at Salisbury and Charlotte:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Members of N. C. delegation urged to continue efforts to secure location of hospitals in State.

SECTION 1. That Senator Clyde R. Hoey and Representatives Robert L. Doughton and Hamilton C. Jones, and the other members of the North Carolina delegation in Congress be and they are hereby requested to continue in their efforts to secure the location of the two veterans hospitals at Salisbury and Charlotte, North Carolina, and they are commended for the efforts they have heretofore made to persuade the Veterans Administration to rescind its announced intention of cancelling the construction of said hospitals.

Commended for previous efforts.

SEC. 2. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of January, 1949.

S. R. 40

RESOLUTION 6

A JOINT RESOLUTION PROVIDING FOR A VISIT OF THE GENERAL ASSEMBLY TO THE UNITED STATES MARINE BASE AT CAMP LEJEUNE, NORTH CAROLINA.

Preamble: Location of Marine base at Camp Lejeune.

WHEREAS, the Government of the United States has seen fit to place one of its Marine bases in the State of North Carolina, the same being located at Camp Lejeune in this State; and

Recognition of Camp Lejeune as outstanding military base.

WHEREAS, the Marine Base at Camp Lejeune, in its operation and maintenance, has proved to be an important factor in the cultural and economic life of the people of the State of North Carolina and the affairs and activities of said Marine Base have been conducted and managed in harmony and in cooperation with the people of the State and their governmental authorities so much so that the Marine Base at Camp Lejeune is considered as one of the outstanding and exemplary military bases of the Nation; and

General Assembly invited by Commanding General to visit base.

WHEREAS, the Commanding General of Camp Lejeune, United States Marine Corps, has issued a kind and generous invitation to the General Assembly of North Carolina and has expressed his desire to have the General Assembly of North Carolina as his guests and as guests of the United States Marine Base at Camp Lejeune on February 2nd, 1949:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Acceptance and appreciation of invitation.

SECTION 1. That the members of the General Assembly accept with gratefulness and appreciation the invitation of the Commanding General of Camp Lejeune, United States Marine Corps, to visit said Base on February 2nd, 1949.

Adjournment on February 2, 1949, for visit to Camp Lejeune.

SEC. 2. That both houses of the General Assembly shall meet in session at 9:00 o'clock A. M. on February 2nd, 1949, and shall adjourn at such time so as to enable the members of the General Assembly to leave at 9:30 o'clock A. M. for said visit by way of buses furnished by the authorities of the United States Marine Corps of Camp Lejeune, North Carolina.

SEC. 3. This Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of January, 1949.

S. R. 41 RESOLUTION 7

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT NINE O'CLOCK P. M., JANUARY SEVENTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-NINE.

Be it resolved by the Senate, the House of Representatives concurring:

Governor invited to address joint session.

SECTION 1. That His Excellency, the Governor, be and he is hereby invited to address a joint session of the General Assembly at nine o'clock P. M., January seventeenth, one thousand nine hundred and forty-nine.

Committee to extend invitation.

SEC. 2. That a committee of two from the Senate be appointed by the President, and three from the House be appointed by the Speaker, to extend this invitation.

SEC. 3. That this Resolution shall be in full force and effect from and after its passage.

In the General Assembly read three times and ratified, this the 18th day of January, 1949.

S. R. 36 RESOLUTION 8

A JOINT RESOLUTION AUTHORIZING THE NAMING OF REPRESENTATIVES OF THE GENERAL ASSEMBLY TO ATTEND THE INAUGURATION OF PRESIDENT HARRY S. TRUMAN AS OFFICIAL REPRESENTATIVES OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Committee appointed to attend inauguration of President Harry S. Truman.

SECTION 1. That the President of the Senate is authorized and empowered to appoint three members of the Senate, and the Speaker of the House is authorized and empowered to appoint five members of the House of Representatives, as a committee to attend at the National Capital the inauguration of President Harry S. Truman, as the thirty-third President of the United States, on the 20th day of January, 1949, as the official representatives of the General Assembly of North Carolina. That said committee, when appointed, shall elect its chairman.

SEC. 2. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of January, 1949.

H. R. 44 RESOLUTION 9

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S BUDGET MESSAGE TO THE GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Printing and distribution of copies of Governor's Budget Message.

SECTION 1. That 3,000 copies of the Budget Message of His Excellency, W. Kerr Scott, Governor of North Carolina, be forthwith printed and delivered at the Governor's office for such distribution of the same as he may desire to make.

SEC. 2. The Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of January, 1949.

H. R. 53 RESOLUTION 10

A JOINT RESOLUTION EMPOWERING THE GOVERNOR TO APPOINT A SPECIAL COMMISSION TO STUDY PROPOSALS LOOKING TO THE ERECTION OF A PERMANENT MEMORIAL TO BE DEDICATED TO THE MEMORY OF JOSEPHUS DANIELS.

Preamble: Loss in the death of Honorable Josephus Daniels.

WHEREAS, the passing of the Honorable Josephus Daniels has brought deep grief to the people of North Carolina, and sorrow and regret to the Nation and to the peoples of many nations throughout the world; and

Qualities of character.

WHEREAS, his vision, his deep sympathy and understanding of the aspirations of mankind, his broad and lofty statesmanship, his high and noble Christian character endeared him to millions of people; and

Services to nation.

WHEREAS, he wrote an inspiring and enduring chapter in the Nation's history through his efficiency in office while serving as Secretary of the Navy under the illustrious Woodrow Wilson, and while serving as Ambassador to Mexico under the beloved and world-renowned Franklin D. Roosevelt; and

Desire to express gratitude for contributions to State.

WHEREAS, the State of North Carolina through its General Assembly, in regular Session of 1949, desires to express in some small measure the debt of gratitude the people of North Carolina owe him for the large contribution he made to his native State during the past half a century, through his personal journalism, his wise counsel, his splendid citizenship, and his lofty ideals; and

WHEREAS, the General Assembly of North Carolina is desirous of giving recognition to the love he held for his State, and of giving expression to its appreciation for his long and continuous fight for its progress and development, and for his untiring efforts looking to the general welfare and betterment of the State:

Desire to give recognition for efforts in behalf of State.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Governor of North Carolina be and he is hereby authorized, empowered, and requested to appoint a special commission of seven citizens of North Carolina to make a study of a proposal looking to the erection of a suitable and permanent memorial to be dedicated to the memory of Josephus Daniels and erected in the City of Raleigh, said committee to serve without compensation, and to report its findings and recommendations to the Governor, and to be transmitted by him to the next General Assembly, regular Session of 1951.

Appointment of commission to study proposal for erection of memorial to Josephus Daniels.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Report of Commission.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

H. R. 58 RESOLUTION 11

A JOINT RESOLUTION EXPRESSING APPRECIATION OF THE GENERAL ASSEMBLY FOR SERVICES RENDERED THE PEOPLE OF THIS STATE BY THE NATIONAL FOUNDATION, AND EXHORTING THE PEOPLE OF NORTH CAROLINA TO GIVE GENEROUSLY TO THE "MARCH OF DIMES" CAMPAIGN.

WHEREAS, the National Foundation for Infantile Paralysis is currently conducting its annual "March of Dimes" campaign for funds; and

Preamble: "March of Dimes" campaign.

WHEREAS, during 1948 the people of this State suffered pitifully from the unprecedented ravages of infantile paralysis; and

Ravages of infantile paralysis in State.

WHEREAS, the National Foundation for Infantile Paralysis with noble generosity provided so freely for our sadly afflicted citizens, spending over one million three hundred thousand dollars ($1,300,000.00) to hospitalize and treat the victims in this State alone:

Contributions by National Foundation for Infantile Paralysis to State.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Expression of appreciation for assistance rendered.

SECTION 1. The General Assembly of North Carolina does, by this token, express to the National Foundation for Infantile Paralysis, on behalf of the citizens of this State, deep gratitude for the magnanimous assistance provided them during this dreadful year.

Citizens urged to contribute generously to present campaign.

SEC. 2. The General Assembly of North Carolina does hereby exhort the citizens of this State to give to the "March of Dimes" campaign with the same heroic liberality which sheltered them in their suffering.

Copy of resolution to officials of National Foundation.

SEC. 3. Be it further resolved that a copy of this Resolution be furnished to the Honorable Basil O'Connor, President of the Board of Trustees, and to the Honorable P. S. Randolph, the State Director of the National Foundation for Infantile Paralysis, to the end that there may be preserved a recorded expression of the heartfelt gratitude of the people of North Carolina for their merciful assistance.

Recordation as expression of gratitude of State.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

S. R. 67 RESOLUTION 12

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A SPECIAL COMMISSION FOR THE PURPOSE OF STUDYING THE POSSIBILITIES OF THE PERPETUAL PRESERVATION OF THE BIRTH PLACE AND HOMESTEAD OF GOVERNOR CHARLES B. AYCOCK AND TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THIS GENERAL ASSEMBLY WITHIN THIRTY DAYS AFTER THE RATIFICATION OF THIS RESOLUTION.

Preamble: Governor Charles B. Aycock, father of education in State.

WHEREAS, Governor Charles B. Aycock is recognized as one of North Carolina's greatest statesmen and the father of education in this State; and

Birthplace.

WHEREAS, his birthplace still stands near Fremont in Wayne County, and used as a farm storage house; and

Desire to convert birthplace into suitable memorial.

WHEREAS, the acquisition of said building and its conversion into a suitable memorial to Governor Aycock as one of the State's greatest historical points is highly desirable; and

State responsibility.

WHEREAS, the establishment of said memorial is of more than local interest and is one of statewide concern and responsibility; and

WHEREAS, it is the sense of this General Assembly that a commission should be appointed to make a study of the means whereby said birthplace might be acquired and converted into a memorial and to report its findings and recommendations to this session of the General Assembly:

Advisability of commission to study proposal of memorial.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. The Governor is authorized and requested to appoint a joint commission, consisting of two members of the Senate and three members of the House of Representatives, for the purpose of making a study as to the advisability and feasibility of acquiring the birth place of Governor Charles B. Aycock and establishing it as a State shrine in appreciation and recognition of the outstanding services by our recognized leader of education and as an incentive for others to assume leadership in solving the educational problems of this day and time.

Appointment of commission to make study of establishment of birthplace as memorial.

SEC. 2. That said commission shall make a report of its findings and recommendations to this session of the General Assembly within thirty (30) days after the ratification of this Resolution.

Report of commission.

SEC. 3. That members of this commission shall serve without pay.

Commission to serve without compensation.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of February, 1949.

S. R. 109 RESOLUTION 13

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AT EIGHT O'CLOCK P. M., FEBRUARY TENTH, ONE THOUSAND NINE HUNDRED AND FORTY-NINE.

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That His Excellency, the Governor, be and he is hereby invited to deliver a special message on schools and school buildings to a Joint Session of the Senate and the House of Representatives at 8:00 o'clock, P. M. February 10, 1949.

Governor invited to deliver special message on schools and school buildings.

SEC. 2. This Resolution is in force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 9th day of February, 1949.

H. R. 341 **RESOLUTION 14**

A JOINT RESOLUTION AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPOINT A SPECIAL COMMISSION FOR THE PURPOSE OF MAKING A SURVEY OF THE PHYSICAL CONDITION OF THE GOVERNOR'S MANSION AND ITS FURNISHINGS AND TO MAKE RECOMMENDATIONS TO THIS GENERAL ASSEMBLY AS TO THE NECESSITY OF REPAIRING, REDECORATING AND REFURNISHING THE GOVERNOR'S MANSION AND THE APPROXIMATE COST OF THE SAME.

Preamble: Governor's Mansion in bad state of repair.

WHEREAS, it has been a number of years since the Governor's Mansion has received any major repairs or decorations or furnishings; and

WHEREAS, it has been called to the attention of this General Assembly that the Governor's Mansion is now in a bad condition of repair and needs to be redecorated and refurnished; and

Necessity for repairs, etc.

WHEREAS, to preserve said structure and to make it more liveable, it is necessary that it should receive repairs and be redecorated, refurnished, and re-equipped:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Commission to study and survey physical condition of Mansion.

SECTION 1. The President of the Senate and the Speaker of the House of Representatives are authorized and requested to appoint a joint commission, consisting of two (2) members of the Senate and three (3) members of the House of Representatives, for the purpose of making a study and survey of the physical condition of the Governor's Mansion and as to those things necessary to repair, redecorate, refurnish and re-equip the same and the approximate cost thereof.

Report of commission.

SEC. 2. That said commission shall make a report of its findings and recommendations to this Session of the General Assembly within fifteen (15) days after the ratification of this Resolution.

Members to serve without compensation.

SEC. 3. That members of this commission shall serve without pay.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of February, 1949.

H. R. 300 RESOLUTION 15

A JOINT RESOLUTION TO INVITE THE ASSOCIATION OF AMERICAN TEACHERS COLLEGES TO MEET AT THE APPALACHIAN STATE TEACHERS COLLEGE.

Preamble: American Association of Teachers Colleges to meet in August.

WHEREAS, the American Association of Teachers Colleges meet in session biennially in the month of August, at some properly designated place, and

Prior meetings.

WHEREAS, because of climate conditions and other reasons, meetings of this association have been held in the states outside of the southeastern group of states, and

Appalachian State Teachers College, Boone, a suitable meeting place.

WHEREAS, North Carolina can provide a suitable meeting place with favorable climatic conditions in the month of August, at the Appalachian State Teachers College in Boone, and

Invitation by college officials to Association.

WHEREAS, the President, Board of Trustees and Faculty of the College at Boone, have extended a cordial invitation to the American Association of Teachers Colleges to hold its meeting for 1950 at the Appalachian State Teachers College.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Invitation of General Assembly to American Association of Teachers Colleges to meet in State.

SECTION 1. That the General Assembly of North Carolina joins the President and Board of Trustees of the Appalachian State Teachers College, in extending an invitation to the American Association of Teachers Colleges, to hold their meeting in 1950, at the Appalachian State Teachers College in Boone, North Carolina.

Copy of resolution to Association.

SEC. 2. That a copy of this Resolution be sent to the committee on arrangements of the Association of the American Teachers Colleges.

In the General Assembly read three times and ratified, this the 17th day of February, 1949.

H. R. 400 RESOLUTION 16

A JOINT RESOLUTION EXPRESSING APPRECIATION OF THE LIFE AND WORK OF THE LATE JAMES E. SHEPARD, FOUNDER AND PRESIDENT OF THE NORTH CAROLINA COLLEGE AT DURHAM.

Preamble: Loss suffered in death of Dr. James E. Shepard, President N. C. College of Durham.

WHEREAS, in the death of Dr. James E. Shepard, patron and founder of the National Religious Training School and Chataqua of Durham, and founder and first president of its successor institution, the North Carolina College of Durham, the entire State has suffered the loss of a courageous, sincere and farsighted public servant; and

Service to State and to race.

WHEREAS, from the date of the founding of this college in 1910 up to the day of his death in October of 1947, this native born North Carolinian labored early and late, in season and out, not only in the immediate interest of this particular college, but with wisdom and foresight for the lasting betterment of his race and his State, not through agitation or ill-conceived demands, but rather through the advocacy of a practical, well considered and consistent program of racial progress; and

Qualities of leadership.

WHEREAS, standing as he did in the midst of strong currents and cross currents of conflicting theories and interests, this man possessed that peculiar combination of persistence and tact, courage and discretion, which enabled him to guide his people steadily along the slow paths of progress, where one false step to the right or the left might well have spelled disaster; and

A man of courage and vision.

WHEREAS, while constantly subjected to pressure from sources within and without this State, and often beset by the forces of ignorance and actual ill will, this man kept his mind clear and his vision unclouded, holding true to his own concept of what was right and just and proper and attainable in his own day and time; and

WHEREAS, his deep confidence in human nature and his clear understanding of the fundamental realities with which he was confronted enabled him to yield without surrendering and prevail without boasting, with an eye single to the ultimate welfare of his people and his State:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Expression of appreciation for life and work of Dr. Shepard.

SECTION 1. The General Assembly of North Carolina, being aware of the worth of the late Dr. James E. Shepard, and being conscious of the public loss occasioned by his death, desires to express its appreciation of his life and work, and to pay this deserved tribute to a man who led, where one less wise might have been tempted to mislead—who took the long view and held to a straight and charted course, where one less courageous might have turned back in the face of adverse winds, and one less farsighted might have turned aside to run dangerously before a passing gale. Here indeed was a man who served without servility; who spoke without guile; who fought without rancor; who could lose with dignity and win with humility. His life was one of sincere service in his day and generation to his race, his State, and his Country.

Copy of resolution to family and to Board of Trustees, N. C. College at Durham.

SEC. 2. The Secretary of State is authorized and respectfully requested to transmit a copy of this Joint Resolution, duly authenticated under the Seal of the State of North Carolina, to the family of the late Dr. James E. Shepard, and to the Board of Trustees of the North Carolina College at Durham, with appropriate expressions of appreciation.

SEC. 3. That this Resolution shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1949.

H. R. 428 RESOLUTION 17

A JOINT RESOLUTION INVITING THE GOVERNOR TO ADDRESS THE GENERAL ASSEMBLY.

Preamble: Desire of Governor to address Joint Session.

WHEREAS, His Excellency, the Governor of North Carolina, has publicly indicated his desire to address a Joint Session of the General Assembly at an early date; and

General Assembly welcomes message.

WHEREAS, this body is anxious to hear any message which His Excellency may desire to bring in order that it may conclude its deliberations as soon as possible:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Governor invited to address Joint Session.

SECTION 1. That His Excellency, the Governor of North Carolina, be, and he is hereby, invited to address a Joint Session of the Senate and House of Representatives Wednesday, February 23, at 12:00 o'clock noon.

SEC. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1949.

H. R. 177 RESOLUTION 18

A JOINT RESOLUTION MEMORIALIZING THE NORTH CAROLINA MEMBERS OF CONGRESS TO SUPPORT A PROGRAM PROVIDING FEDERAL FUNDS FOR EQUALIZING EDUCATIONAL OPPORTUNITIES IN THE PUBLIC SCHOOLS OF THE NATION, WITHOUT FEDERAL CONTROL.

Preamble: Differences in ability of States to finance educational program.

WHEREAS, there are wide differences in the ability of the States to finance an adequate educational program because of a lack of funds as indicated by wide differences in per capita wealth and income between the several States; and

Equality of educational opportunities desired.

WHEREAS, the public welfare of the nation demands that there be equality of educational opportunity among the sovereign States; and

Ability of Federal Government to equalize financial abilities of States for educational programs.

WHEREAS, the Federal Government only through its power of taxation can equalize the abilities of the States to finance their programs of education and to provide within the States the equality of educational opportunity which the national welfare demands without Federal control.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

N. C. members of Congress requested to support legislation to equalize educational opportunities.

SECTION 1. That the North Carolina members in Congress be, and they hereby are, requested to lend support to legislation which would give the several States the money necessary to equalize educational opportunities up to a desirable standard without Federal control, by which the Federal Government can make possible a guarantee of financial support which will help to meet the educational crisis in the several States and provide a minimum educational opportunity for all its citizens, regardless of the local limitations of wealth.

Requested to expedite enactment of such legislation.

SEC. 2. That the North Carolina members in Congress be, and they hereby are, requested to make every effort to expedite the enactment of such legislation prior to the adjournment of the North Carolina General Assembly so that there would be opportunity for the North Carolina General Assembly and other State legislatures then in session to enact any necessary enabling or implementing measures which might be required.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1949.

H. R. 498 RESOLUTION 19

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF THE HONORABLE WILLIAM HENRY HARRIS.

Preamble: Death of William Henry Harris, father of R. L. Harris.

WHEREAS, Honorable William Henry Harris, the father of our beloved colleague Representative R. L. Harris, has passed away at the age of ninety years; and

Service to State and community.

WHEREAS, William Henry Harris, throughout his useful life served his native State and local community with honor, distinction and credit; and

Desire to express sympathy to family.

WHEREAS, the Members of the General Assembly of North Carolina wish to express their heartfelt sympathy to Representative R. L. Harris, formerly Speaker of the House of Representatives and Lieutenant Governor of this State, and to the

other members of the family of this distinguished citizen of North Carolina and to express its sorrow at his passing:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the General Assembly of North Carolina does hereby express its sympathy to Representative R. L. Harris and other members of his family upon the passing of William Henry Harris.

Sympathy extended to family.

SEC. 2. That a copy of this Resolution be spread upon the minutes of the House and a copy forwarded to Representative R. L. Harris.

Copy to Representative R. L. Harris.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1949.

S. R. 180 RESOLUTION 20

A JOINT RESOLUTION PETITIONING THE CONGRESS OF THE UNITED STATES TO LOCATE A SURPLUS NAVY FLOATING DRY-DOCK AT WILMINGTON FOR PRESERVATION OF BOTTOMS OF MARITIME COMMISSION-OWNED MERCHANT MARINE FLEET LAID UP IN BRUNSWICK RIVER.

WHEREAS, it has come to the attention of this General Assembly that the United States Congress is giving consideration to providing dry-docks for the purpose of inspection and giving primary preservative treatment to vessel hulls of the Maritime Commission reserve fleets; and

Preamble: Proposal of U. S. Congress to provide dry docks for servicing Maritime Commission reserve fleets.

WHEREAS, there are approximately 425 vessels of the Maritime Commission's merchant fleet now laid up in Brunswick River at Wilmington to be inspected and given such preservative treatment as the United States Maritime Commission decides essential; and

Vessels of Commission's merchant fleet laid up in Brunswick River.

WHEREAS, the servicing of the Wilmington fleet by means other than a floating dry-dock at the lay-up basin, will involve excessive towage charges to the nearest commercial dry-docks, located at Hampton Roads, Virginia and Charleston, South Carolina, and will be an inefficient and uneconomical method of preserving the hulls of said vessels; and

Excessive charges in servicing Wilmington fleet by means other than a floating dry dock.

WHEREAS, the United States Maritime Commission recognizes that greater efficiency and larger material savings can be effectuated by having said vessels serviced at the places where

Recommendation of Commission that dry docks be provided.

they are laid up and has recommended that floating dry-docks be provided for the servicing of such vessels:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Committees on Merchant Marine and Fisheries, U. S. Congress requested to take favorable action on recommendations of Commission.

SECTION 1. That the committees on Merchant Marine and Fisheries of the United States Congress are requested and urged to give favorable consideration to, and take favorable action on, the recommendations of the United States Maritime Commission to provide floating dry-docks to service the hulls of ships of the reserve fleets of said commission at the places where they are now laid up.

Copies of Resolution.

SEC. 2. That copies of this Resolution be sent by the Secretary of the State to the President of the United States Senate, the Speaker of the House of Representatives, and the Chairman of the Senate and House of Representatives' Committees on Merchant Marine and Fisheries and to each member of Congress from the State of North Carolina.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. R. 521 RESOLUTION 21

A JOINT RESOLUTION ENDORSING THE BLUE STAR MEMORIAL HIGHWAY.

Preamble: Movement for establishment of "Blue Star Memorial Highways."

WHEREAS, a movement is underway to establish a system of national highways in honor of the men and the women of the United States of America who served its cause in World War II, and to name such highways "Blue Star Memorial Highways", such movement having been promoted by the National Council of State Garden Clubs and having been approved by many states, including Virginia and South Carolina, and by the Highway Commission of North Carolina; and

Promotion and approval of movement.

WHEREAS, this appeals to the General Assembly of North Carolina as a worthy undertaking:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Approval of General Assembly to naming of Blue Star Highways in State; designation of highways.

SECTION 1. That the General Assembly of North Carolina, in compliance with the request of the Garden Club of North Carolina, hereby gives its approval to the naming of such Blue Star Highways in this State, and leaves to the Highway Commission of the State of North Carolina the selection and designation of the highways to be used for this purpose.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1949.

H. R. 566 RESOLUTION 22

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND HONORING THE MEMORY OF THE HONORABLE C. EARL COHOON, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

Preamble: Hon. C. Earl Cohoon, Tyrrell County, member of House of Representatives.

WHEREAS, the Honorable C. Earl Cohoon of the Town of Columbia, Tyrrell County, was a member of the House of Representatives for three consecutive Sessions, 1941 through 1945, respectively; serving with credit and honor to himself and State; and

Contribution to county and State.

WHEREAS, the said Honorable C. Earl Cohoon has contributed much to the success and development of his county and State, having served unselfishly, diligently and untiringly for the betterment of education, social culture, roads, bridges, and the general living conditions therein; having served in various official positions in his county and the South Albemarle area; and

Death of Hon. C. Earl Cohoon.

WHEREAS, the said Honorable C. Earl Cohoon, since the last Session of the General Assembly, did depart this life on August 11, 1947:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Loss to State in death of Hon. C. Earl Cohoon.

SECTION 1. That in the death of the Honorable C. Earl Cohoon the State of North Carolina has lost one of its most useful, loyal and capable citizens.

Sympathy extended to family.

SEC. 2. The General Assembly of North Carolina does hereby express its highest appreciation of him as a citizen and servant of the State and extends its sympathy to his wife and family.

Adjournment in memory of C. Earl Cohoon.

SEC. 3. That when the General Assembly adjourns on the 2nd day of March, 1949, it do adjourn in memory of C. Earl Cohoon.

Copy of resolution to family.

SEC. 4. That a copy of this Resolution be furnished to Mrs. C. Earl Cohoon and his family at Columbia, North Carolina.

In the General Assembly read three times and ratified, this the 3rd day of March, 1949.

S. R. 222 RESOLUTION 23

A JOINT RESOLUTION OF RESPECT TO THE MEMORY OF THE HONORABLE JOSEPH MELVILLE BROUGHTON.

Preamble: Death of Hon. Joseph Melville Broughton.

WHEREAS, the General Assembly of North Carolina has been profoundly shocked and deeply grieved on account of the sudden death of the Honorable Joseph Melville Broughton, in Washington, D. C., on Sunday, March 6, 1949; and

Distinguished native citizen.

WHEREAS, the Honorable Joseph Melville Broughton was a distinguished native citizen of Wake County, North Carolina, which county he had represented for two terms in the North Carolina State Senate; and

Service to State as Governor.

WHEREAS, he rendered distinguished service to the State of North Carolina as its able Governor during the period from 1941 to 1945, which included most of the period of World War II; and

Service to State and nation in many capacities.

WHEREAS, Mr. Broughton, over a long term of years, served well his State and Nation in many different capacities and was a distinguished leader in the moral and religious and the civic life of the State of North Carolina and rendered service of great and abiding value in many ways as an outstanding lawyer and layman; and

Represented State in U. S. Senate.

WHEREAS, during 1948 he ws elected to represent the State of North Carolina in the United States Senate and had entered upon that service in December and was actively engaged in his duties as such Senator and presided over the deliberations of that great body in the last of its sessions preceding his sudden death and had already given evidence of fine ability to capably represent his State in that most distinguished body; and

Appreciation of life and accomplishments.

WHEREAS, the General Assembly of North Carolina wishes to make record of its appreciation of his life and accomplishments and its sincere sorrow on account of his death:

Now, therefore, be it resolved by the Senate of North Carolina, the House of Representaives concurring:

Great loss to State in death of Senator Broughton.

SECTION 1. That in the death of the Honorable Joseph Melville Broughton not only the General Assembly of this State, but the State of North Carolina as a whole, has experienced a great loss and profound grief at the termination of the life of this distinguished North Carolinian.

Sympathy extended to family.

SEC. 2. The General Assembly of North Carolina does hereby express its highest appreciation of him as a citizen and useful public servant and expresses its sympathy to his family and loved ones upon his passing.

SEC. 3. That the members of the General Assembly shall attend, in a body, the funeral services and that the General Assembly shall adjourn for an appropriate period out of respect to his memory. Attendance of funeral services; adjournment in memory.

SEC. 4. That a copy of this Resolution, duly certified, shall be furnished to his family. Copy of resolution to family.

SEC. 5. That this Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 8th day of March, 1949.

H. R. 452 RESOLUTION 24

A JOINT RESOLUTION CONCERNING A NORTH CAROLINA STATE PLANNING BOARD.

WHEREAS, North Carolina and the 1949 General Assembly are now considering the largest spending program and the greatest expansion of roads, schools, ports and industrial and agricultural services in the history of the State; and Preamble: Large spending and expansion programs of State under consideration.

WHEREAS, among the principal elements contributing to the high cost of government are the mistakes resulting from short-sighted policies and lack of planning for the future; and Lack of planning contributing to high cost of government.

WHEREAS, the orderly, economical and business-like development of the State as a whole, including the provisions of technical assistance to communities and counties, requires State planning; and State planning required.

WHEREAS, State planning can provide technical help to rural communities, towns, and small cities, to assist local planning boards and other local planning groups; and Assistance to local units.

WHEREAS, a State Planning Board would not duplicate any other governmental agency or function, but would enable the State to look ahead in the locating of public improvements such as highways, schools, institutions, air ports, railroads, ports and water facilities; in the wise use of natural resources; and in related matters affecting the general welfare of the State and its people; and Advantages of State Planning Board.

WHEREAS, the General Assembly, in the Public Laws of 1935, established a State Planning Board, and the General Assembly of 1937 continued its establishment and enlarged its functions; and State Planning Board established in 1935.

WHEREAS, under General Statutes, Chapter 143, Article 14, State Planning legislation continues in effect according to law, although the State Planning Board has in fact ceased to func- No appropriation made for continuance of Board.

tion because no appropriation was made for its continuation; and

Desire to re-establish State Planning Board.

WHEREAS, a number of leading citizens in Raleigh, Durham, Greensboro, Winston-Salem, Asheville, and other places throughout the State have expressed an urgent desire to see the State Planning Board re-established at this time; and

WHEREAS, Governor W. Kerr Scott has stated that the program of progress he advocates calls for long-range planning:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Appointment of Special Legislative Committee to investigate establishment of permanent State Planning Board.

SECTION 1. That the Governor of North Carolina be, and he is hereby, authorized, empowered and requested to appoint a Special Legislative Commission, consisting of five members, two being members of the Senate and three being members of the House of Representatives, for the purposes of investigating the need and the cost of establishing a permanent State Planning Board, to be appointed by the Governor, with main offices at Raleigh, and with branch offices located in three or four of the major regions of the State.

Report of Commission.

SEC. 2. That this commission report its findings back to the Governor and to the General Assembly on or before March 15, or in such time as to give this General Assembly sufficient time to take action concerning its recommendations.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1949.

H. R. 401 RESOLUTION 25

A JOINT RESOLUTION MEMORIALIZING CONGRESS TO APPROPRIATE FUNDS TO CONSTRUCT AN INLET LEADING FROM THE ATLANTIC OCEAN TO THE INTRACOASTAL WATERWAY AND MYRTLE GROVE SOUND, NORTH OF THE TOWN OF CAROLINA BEACH.

Preamble: Damage resulting from construction of Intracoastal Waterway.

WHEREAS, the construction of the Intracoastal Waterway, generally known as the Inland Waterway, resulted in letting fresh water into Myrtle Grove Sound, destroying much of the marine life in the area and doing great damage to the seafood industry; and

WHEREAS, the construction of an inlet leading from the Atlantic Ocean to the Intracoastal Waterway and Myrtle Grove Sound would permit the entry of sea water into the sound and thus neutralize in a large measure the harmful effects of fresh water on marine life in that area, and thereby revitalize and restore the seafood industry of such area; and

Desirability of construction of inlet from Atlantic Ocean to Intracoastal Waterway and Myrtle Grove Sound.

WHEREAS, such inlet would provide convenient access to the sea for both pleasure and commercial craft operating in this area:

Convenient access to sea.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly of North Carolina urgently requests the members of the United States Senate and the House of Representatives from North Carolina to use their immediate concerted efforts to secure an appropriation by the Congress of the United States to construct an inlet leading from the Atlantic Ocean to the Intracoastal Waterway and Myrtle Grove Sound at a point North of the corporate limits of the Town of Carolina Beach, North Carolina, such appropriation to be expended by and under the direction of the Corps of Engineers of the United States Army or other appropriate agency of the national government.

N. C. delegation in Congress requested to secure appropriation for construction of inlet.

Expenditure of appropriation.

SEC. 2. The Secretary of State of North Carolina is respectfully requested to transmit duly authenticated copies of this Resolution with expressions of respect to the Senators and Representatives who compose North Carolina's congressional delegation.

Copies of resolution to N. C. congressional delegation.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1949.

S. R. 204 RESOLUTION 26

A JOINT RESOLUTION GIVING LEGISLATIVE APPROVAL TO A CERTAIN COMPACT ENTERED INTO BY THE STATE OF NORTH CAROLINA AND OTHER SOUTHERN STATES BY AND THROUGH THEIR RESPECTIVE GOVERNORS ON FEBRUARY 8, 1948, AS AMENDED, RELATIVE TO THE DEVELOPMENT AND MAINTENANCE OF REGIONAL EDUCATIONAL SERVICES IN SCHOOLS IN THE SOUTHERN STATES IN THE PROFESSIONAL, TECHNOLOGICAL, SCIENTIFIC, LITERARY AND OTHER FIELDS, SO AS TO PROVIDE GREATER EDUCATIONAL ADVANTAGES AND FACILITIES FOR THE CITIZENS IN THE SEVERAL STATES WHO RESIDE IN SUCH REGION; TO DECLARE THAT THE STATE OF NORTH CAROLINA IS A PART OF THE STATE COMPACT, AS AMENDED, AND THAT THE AGREEMENTS, COVENANTS AND OBLIGATIONS THEREIN ARE BINDING UPON SAID STATE.

Preamble: Compact between designated States relative to development and maintenance of regional educational services and schools.

WHEREAS, on the eighth day of February, in the year of our Lord, 1948, the State of Georgia, and the States of Florida, Maryland, Louisiana, Alabama, Mississippi, Tennessee, Arkansas, Virginia, North Carolina, South Carolina, Texas, Oklahoma, West Virginia, through and by their respective governors, entered into a written compact relative to the development and maintenance of regional educational services and schools in the southern states in the professional, technological, scientific, literary, and other fields, so as to provide greater educational advantages and facilities for the citizens of the several states who reside within such region; and

Compact amended.

WHEREAS, the said compact has been amended in certain respects, a copy of which compact as amended is as follows:

The Regional Compact, as amended.

THE REGIONAL COMPACT

(As amended)

WHEREAS, the states who are parties hereto have during the past several years conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the southern states in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several states who reside within such region; and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the southern states, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing edu-

cation upon terms and conditions to be hereafter agreed upon between the southern states and Meharry Medical College, which proposal, because of the present financial condition of the institution, has been approved by the said states who are parties hereto; and

WHEREAS, the said states desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

NOW, THEREFORE, in consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred to as "States"), the said several states do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting states which, for the purposes of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent states and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective states residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The states do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "Board"), the members of which board shall consist of the governor of each state, ex officio, and three additional citizens of each state to be appointed by the governor thereof, at least one of whom shall be selected from the field of education. The governor shall continue as a member of the board during his tenure of office as governor of the state, but the members of the board appointed by the governor shall hold office for a period of four years except that in the original appointments one board member so appointed by the governor shall be designated at the time of his appointment to serve an initial term of two years, one board member to serve an initial term of three years, and the remaining board member to serve the full term of four years, but thereafter the successor of each appointed board member shall serve the full term of four years. Vacancies on the board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the governor for the unexpired portion of the term. The officers of the board shall be a chairman, a vice chairman, a secretary, a treasurer, and such additional officers as may be created by the board from time to time. The board shall meet annually and officers shall be elected to hold office until the next annual meeting. The board shall have the right to formulate and establish bylaws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it including the right to

The Regional Compact (cont'd).

create and appoint an executive committee and a finance committee with such powers and authority as the board may delegate to them from time to time. The board may, within its discretion, elect as its chairman a person who is not a member of the board, *provided* such person resides within a signatory state, and upon such election such person shall become a member of the board with all the rights and privileges of such membership.

It shall be the duty of the board to submit plans and recommendations to the states from time to time for their approval and adoption by appropriate legislative action for the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the states, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the states and to all properties and facilities used in connection therewith shall be vested in said board as the agency of and for the use and benefit of the said states and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the states authorizing the creation, establishment and operation of such educational institutions.

In addition to the power and authority heretofore granted, the board shall have the power to enter into such agreements or arrangements with any of the states and with educational institutions or agencies, as may be required in the judgment of the board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective states residing within the region, and such additional and general power and authority as may be vested in the board from time to time by legislative enactment of the said states.

Any two or more states who are parties of this compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such states and to be controlled exclusively by the members of the board representing such states *provided* such agreement is submitted to and approved by the board prior to the establishment of such institutions.

Each state agrees that, when authorized by the legislature, it will from time to time make available and pay over to said

board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the states under the terms of this compact, the contribution of each state at all times to be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America; or upon such other basis as may be agreed upon.

This compact shall not take effect or be binding upon any state unless and until it shall be approved by proper legislative action of as many as six or more of the states whose governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more states shall have given legislative approval to this compact within said eighteen months period, it shall be and become binding upon such six or more states sixty days after the date of legislative approval by the sixth state and the governors of such six or more states shall forthwith name the members of the board from their states as hereinabove set out, and the board shall then meet on call of the governor of any state approving this compact, at which time the board shall elect officers, adopt bylaws, appoint committees and otherwise fully organize. Other states whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time. *Provided, however,* that with respect to any state whose constitution may require amendment in order to permit legislative approval of the compact, such state or states shall become parties hereto upon approval of this compact by legislative action within seven years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this compact shall thereafter continue without limitation of time; *provided, however,* that it may be terminated at any time by unanimous action of the states and *provided further* that any state may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing up to the effective date of such withdrawal. Any state so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the board or to any of the funds of the board held under the terms of this compact.

If any state shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by

The Regional Compact (cont'd).

and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state, its members on the board and its citizens shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default this compact may be terminated with respect to such defaulting state by an affirmative vote of three-fourths of the members of the board (exclusive of the members representing the state in default), from and after which time such state shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of this compact, but such termination shall in no manner release such defaulting state from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

IN WITNESS WHEREOF this compact has been approved and signed by governors of the several states, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the eighth day of February, 1948.

STATE OF FLORIDA
By Millard F. Caldwell
Governor

STATE OF MARYLAND
By Wm. Preston Lane, Jr.
Governor

STATE OF GEORGIA
By M. E. Thompson
Governor

STATE OF LOUISIANA
By J. H. Davis
Governor

STATE OF ALABAMA
By James E. Folsom
Governor

STATE OF MISSISSIPPI
By F. L. Wright
Governor

STATE OF TENNESSEE
By Jim McCord
Governor

STATE OF ARKANSAS
By Ben Laney
Governor

The Regional Compact (cont'd).

COMMONWEALTH OF VIRGINIA
By Wm. M. Tuck
Governor

STATE OF NORTH CAROLINA
By R. Gregg Cherry
Governor

STATE OF SOUTH CAROLINA
By J. Strom Thurmond
Governor

STATE OF TEXAS
By Beauford H. Jester
Governor

STATE OF OKLAHOMA
By Roy J. Turner
Governor

STATE OF WEST VIRGINIA
By Clarence W. Meadows
Governor

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Approval of compact; North Carolina declared a party thereto.

SECTION 1. That the said compact as amended, be and the same is hereby approved and the State of North Carolina is hereby declared to be a party hereto, and agreements, covenants, and obligations therein are binding upon the State of North Carolina.

Authority of Governor to sign amended compact.

Copies to States approving.

SEC. 2. That upon the approval of this compact as amended by the requisite number of states, the Honorable W. Kerr Scott, Governor of the State of North Carolina, is authorized to sign an engrossed copy of the compact as amended, and provide sufficient copies thereof so that every state approving the same shall have an engrossed copy.

SEC. 3. This Resolution shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1949.

H. R. 723 RESOLUTION 27

A JOINT RESOLUTION RELATING TO THE ADMINISTRATION OF AID TO THE BLIND.

Preamble: The value of sight to humanity.

WHEREAS, all of our social institutions, customs, concepts, and activities, equipment and instruments of living are planned for a seeing world, and sight is essential for their full appreciation and enjoyment; and

Physical problems of blindness.

WHEREAS, the physical problems of blindness involve a severe strain upon the vitality, the nervous system and mental balance, which often results in a complete physical, moral and spiritual collapse; and

Social and economic problems of blindness.

WHEREAS, the social and economic problems of blindness present great difficulties resulting from the necessity of re-education and readjustment to a life without sight and the feeling of self-confidence, independence, and security; and

Services rendered by State for assistance to the blind.

WHEREAS, the State of North Carolina through the agency of the State Commission for the Blind, the State Association for the Blind, with a membership of more than 9,000 persons from every walk of life and from all of our 100 counties, the 169 Lions Clubs of our State, with a total membership of approximately 10,000 public spirited citizens, have for many years rendered outstanding service to the visually handicapped and blind persons of our State, having provided by their joint and cooperative efforts eye examinations, treatment, operations, glasses, rehabilitation and other assistance for many thousands of indigent persons of our State; and

Contributions by Lions Clubs of State.

WHEREAS, for these services the Lions Clubs of our State have contributed to the State Commission for the Blind, during the past two years the sum of $61,328.94 for statewide services, in addition to a much larger sum expended by said clubs locally; and

Expenditures for services by State Association for the blind.

WHEREAS, for like services the State Association for the Blind expended during said period, through the State Commission for the Blind the sum of $31,921.24 for statewide services for the purpose of equalizing service throughout the State and supplementing the services rendered by the local Lions Clubs, and providing services in communities that were not served by Lions Clubs; and

Consideration by U. S. Congress of allocation to States of Federal Public Assistance Funds; condition.

WHEREAS, H. R. 2892 is now being considered by the Ways and Means Committee of our National Congress, which provides by Section 1407, Subsection (a) that Federal Public Assistance Funds shall be allocated to states upon condition that said funds be administered by one State agency; and

WHEREAS, the North Carolina State Commission for the Blind, which agency since 1935 has administered all governmental sponsored services for the blind, the State Association for the Blind and the Lions Clubs of North Carolina, as expressed by and through the District Governors of Lions International, have all stated their unalterable opposition to the transfer of aid to the blind to a single State agency because the administration of aid to the blind by one central agency for the blind co-ordinates and correlates all services with the more important services of prevention of blindness, conservation of sight, restoration of vision, and rehabilitation resulting in the greatest service to all blind people and the most efficient and economic administration for the State,

Opposition of State agencies, etc., to administration of aid to blind by single agency.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the General Assembly of North Carolina do hereby petition the North Carolina Senators and Representatives in Congress to use every means at their command to have stricken from H. R. 2892 the following provisions of Section 1407 - State Public Welfare Plans: "(a) (1) provide (A) for the establishment or designation of a single State agency to administer or to supervise the administration of the plan" and "(b) The Administrator shall approve any plan which fulfills the conditions specified in Subsection (a), except that there shall not be at any one time more than one approved plan under this title for any one State" and thus retain the present provisions of Title X of the Social Security Act, as amended, which permits the administration of aid to the blind by the North Carolina State Commission for the Blind, the agency created by the 1935 General Assembly and further empowered by the 1937 General Assembly to render all governmental sponsored services for the blind.

N. C. delegation in U. S. Congress urged to retain provisions of Social Security Act, authorizing continuation of present system of administration.

SEC. 2. That copies of this Resolution be sent to the North Carolina Senators and Representatives in Congress.

Copies of resolution.

In the General Assembly read three times and ratified, this the 21st day of March, 1949.

H. R. 1199 RESOLUTION 28

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF AND APPRECIATION OF THE LIFE AND SERVICE OF MRS. MARGARET McGUIRE.

WHEREAS, the General Assembly of North Carolina, Session of 1949, desires to give some recognition of the passing of Mrs. Margaret McGuire who died at Laurinburg, North Carolina, Scotland County, on April 3, 1949; and the General Assembly

Preamble: Loss sustained in death of Mrs. Margaret McGuire, Scotland County.

desires to give a proper expression of sorrow in the loss sustained by Scotland County and the State; and

Leadership of Mrs. McGuire.

WHEREAS, Mrs. Margaret McGuire, daughter of the late Mark Morgan, was born in Scotland County and was a member of the first graduating class of Flora McDonald College; she was a leader in civic betterment as well as social and religious affairs; she was a member of the State Democratic Executive Committee and was active in all the political affairs of her State and county:

Now, therefore, be is resolved by the House of Representatives, the Senate concurring:

Expression of appreciation of life and contributions of Mrs. McGuire to community and State.

SECTION 1. That the Members of the General Assembly of North Carolina, Session of 1949, unite in expressing their appreciation for the valuable life and the great contributions made by this distinguished citizen to her community and State; and their recognition that Scotland County and the State are fortunate because of her unselfish life and humane services:

Resolution as permanent testimonial.

Resolved further, that these Resolutions be spread upon the Journal of the House of Representatives and the Journal of the Senate as a permanent testimonial of the respect of both

Copy of resolution to family.

legislative branches of the General Assembly and that a copy of this Resolution be sent to the family of Mrs. Margaret McGuire.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1949.

H. R. 1055 RESOLUTION 29

A JOINT RESOLUTION REQUESTING UNITED STATES SENATORS FROM NORTH CAROLINA AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN CONGRESS FROM NORTH CAROLINA TO GIVE THEIR SUPPORT TO FEDERAL LEGISLATION CONFIRMING THE TITLE OF THE SEVERAL STATES OF THE UNION TO SUBMERGED LANDS WITHIN THEIR BORDERS AND PROTECTING THE TITLE, OWNERSHIP AND RIGHTS OF THE SEVERAL STATES THEREIN.

Preamble: Declaration of eastern limit and boundary of State of North Carolina on Atlantic Seaboard.

WHEREAS, by Chapter 1031 of the Session Laws of 1947, the General Assembly of North Carolina enacted a statute which declared that the eastern limit and boundary of the State of North Carolina on the Atlantic seaboard, having always been, since the Treaty of Peace with Great Britain in 1783 and the

Declaration of Independence of July 4, 1776, one marine league eastward from the Atlantic seashore, measured from the extreme low-water mark, and declaring that the said boundary should remain fixed as it always had been, one marine league eastward from the seashore of the Atlantic Ocean bordering the State of North Carolina, measured from the extreme low-water mark of the Atlantic Ocean seashore aforesaid, and declaring that this State shall continue, as it always had, to exercise jurisdiction over the territory within the littoral waters and ownership of the lands under the same within the boundaries of the State, subject only to the jurisdiction of the Federal Government over navigation within such territorial waters, and said Act further called upon the Governor and the Attorney General to take all such action as might be found appropriate to defend the jurisdiction of the State over its littoral waters and the ownership of the lands beneath the same; and

Jurisdiction over territory within littoral waters, etc.

WHEREAS, the large area of land beneath the inland sounds and tributary streams in Eastern North Carolina and the large area of land beneath the ocean and within one marine league of the Atlantic seaboard of the North Carolina coast forms an integral and important part of the landed area of this State which is held in trust for the benefit of all the people of the State; and

Territory forms integral part of landed area of State.

WHEREAS, the protection of the State's jurisdiction and authority over said land and waters is vital and necessary to the economy of the State, in particular regard to the large fishing interests of the State; and

Necessary to protect State's jurisdiction.

WHEREAS, the fishing interests of the State could be destroyed by failure to protect the entrance of migratory fish through the several inlets entering into North Carolina waters from the Atlantic Ocean, which the State has always protected by laws against practices which would destroy the entrance of migratory fish into our inland sounds and tributary waters; and

WHEREAS, a decision of the Supreme Court of the United tates entitled "Toomer v. Whitsell" (334 U. S. 385) decided in 1948, the Supreme Court of the United States held that the power of the State to regulate fishing in the marginal sea area within its boundaries may be exercised only "in absence of conflicting Federal claim", basing its decision upon the former case of United States v. California (332 U. S. 19); and

U. S. Supreme Court decision regarding power of State to regulate fishing in marginal sea area.

WHEREAS, the President of the United States has heretofore issued an executive order, authorizing the Secretary of State and the Secretary of the Interior to recommend the establishment of zones for Federal regulation and control of fishery resources and fishing activities in those areas of the high seas contiguous to the coast of the United States, and the Department

Proposed establishment of zones for Federal regulation and control.

of State, in December, 1948, notified coastal state officials that it will begin to put this program into effect; and

Legislation before U. S. Congress.

WHEREAS, the Federal Executive Agencies have introduced in Congress and are attempting to speed the passage of legislation declaring Federal ownership and control of the marginal seas on all the coastal states; and

Legislation presents challenge to jurisdiction of State.

WHEREAS, such legislation presents a serious challenge to the time-honored jurisdiction and control of the State of North Carolina over its inland and coastline tidelands, overthrowing more than one hundred and fifty (150) years of established precedent and legislation enacted by this and other states protecting said waters and exercising jurisdiction thereover:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

N. C. delegation in Congress urged to support legislation to protect continued ownership and control by States.

SECTION 1. That the United States Senators from North Carolina and Members of the House of Representatives from North Carolina be and they hereby are memorialized and requested to lend their active support to legislation which will be considered by the 81st Congress to protect the continued ownership and control by the several states of the lands and resources within and beneath the navigable waters thereof and within the boundaries of the respective states, subject only to constitutionally delegated Federal powers with respect to such areas, and to

Requested to oppose legislation creating Federal control.

oppose all pending and proposed legislation in Congress which would create Federal ownership or control of land, fish or other resources beneath the navigable waters within the State boundaries. That the members of the North Carolina delegation in Congress be requested to give their active support to Federal legislation which would recognize and confirm State ownership and jurisdiction over lands and waters within their territorial jurisdiction as heretofore recognized and acknowledged by State and Federal authorities.

Copy of resolution to members of N. C. congressional delegation.

SEC. 2. That copy of this Resolution shall be transmitted by the Governor to each Senator and Representative from North Carolina in the Congress of the United States.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. R. 1236 **RESOLUTION 30**

A JOINT RESOLUTION COMMENDING ATTORNEY GENERAL HARRY McMULLAN AND HIS ENTIRE STAFF FOR ASSISTANCE RENDERED THE MEMBERSHIP OF THE 1949 GENERAL ASSEMBLY.

Preamble: Assistance rendered by Attorney General and staff to members of General Assembly.

WHEREAS, Harry McMullan, Attorney General of the State of North Carolina, and his staff of assistants and secretaries of this General Assembly in the preparation of bills and have rendered valuable assistance to the members of this General Assembly; and

Indispensable service.

WHEREAS, the drafting of bills by the Attorney General and his staff is a service which is indispensable, and results in greatly facilitating the work of the General Assembly:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Expression of appreciation to Attorney General and staff for services and assistance.

SECTION 1. That we do hereby express to the said Harry McMullan, Attorney General of the State of North Carolina, T. W. Bruton, Hughes J. Rhodes, Ralph Moody, James E. Tucker and Peyton B. Abbott, Assistant Attorneys General, Harry W. McGalliard, Revisor of Statutes, Clifton W. Beckwith, Director of the Division of Legislative Drafting and Codification of Statutes, and members of the legal staff, Forrest H. Shuford II and John R. Jordan, Jr.; and to the secretarial force, Margaret York Wilson, Lillian Turner, Elizabeth Kelly, Elizabeth Flournoy, Nancy Upchurch, Laurie Barefoot, Mrs. T. P. Norwood, Mrs. H. C. Jackson, Mrs. Millicent S. Kincaid, Mrs. Helen M. Jones, Mrs. Colvin M. Worth, and Mrs. Ruth Barnette, our sincere, and grateful appreciation for their cordial, generous, and efficient services and assistance rendered to the members of the General Assembly of 1949 in the preparation and drafting of bills, and otherwise.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1949.

H. R. 693 RESOLUTION 31

A JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION TO STUDY JUST SHARING OF STATE HIGHWAY REVENUES WITH MUNICIPALITIES.

Preamble: Increased costs of maintenance, etc., of streets in municipalities not part of State Highway System.

WHEREAS, the cities and towns of North Carolina are confronted with the greatly increased costs of paving and maintenance of streets in municipalities which are not parts of the State Highway System and maintained by the State; and

Problem for local units of government.

WHEREAS, such increased costs added to other advancing costs of municipal governments has posed a difficult problem for mayors and boards of aldermen of these local units of government; and

Request for allocation of portion of highway revenues for maintenance, etc., of such streets.

WHEREAS, the cities and towns of this State are asking the General Assembly now in session to allocate to them a definite part or percentage of the highway revenues allocated by the State to be used by the municipalities in the construction and maintenance of streets therein which are not on the highway system; and

WHEREAS, it is now contemplated that after this Session of the General Assembly there will be set apart from highway funds a substantially larger sum than has heretofore been made available for this purpose; and

Increased costs in construction and maintenance of State highways.

WHEREAS, the same causes for the increased costs with which the local governments are faced have, in like manner, affected the costs of construction and maintenance of State highways; and

Increasing demands upon State for expansion of road system.

WHEREAS, increasing demands are now being made upon the State for paving and betterments of its primary and secondary road systems which calls for the annual expenditure of all available State and Federal funds; and

Problem posed by sharing of State highway revenues.

WHEREAS, the just and proper sharing of the State with its municipalities of State highway revenues poses a difficult question of great importance, the correct solution of which should be the subject of a careful, painstaking and elaborate study which cannot well be made by legislative body while in a limited and busy session:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Appointment of State-Municipal Road Commission.

SECTION 1. The Governor shall, on or before June 1st, 1949, appoint a commission composed of seven persons, which shall be known as the State-Municipal Road Commission, the members of which commission shall be so appointed as to fairly represent the whole interest of the State in this problem. The said commission shall organize by electing its own chairman and secre-

tary. The State Highway and Public Works Commission is authorized to furnish such clerical assistance as necessary in order to collect and study all available information on the subject to be considered by the commission. Expenses of the commission shall be paid from the revenues of the State Highway Commission when allocated by the Director of the Budget, including the per diem of the members of the said commission at the rate of seven dollars ($7.00) per day, and actual cost of travel and subsistence while attending meetings of the commission.

Organization; clerical assistance.

Payment of expenses of commission.

SEC. 2. The commission shall make a careful and complete study of all the facts and factors which should enter into the question as to the just and proper sharing by the State with its cities and towns of its highway revenues to be used in the construction and maintenance of streets which are located within the municipalities: Whether such sharing should be by further allocations of funds to the municipalities on a percentage basis of highway revenues or by definite appropriations therefor or by the maintenance and construction by the State of streets within the municipalities or by any other means which may be considered by the commission to be a just and proper approach to this problem.

Duties of commission.

SEC. 3. The said commission shall make available to all interested citizens of the State opportunities for presenting all data which may be considered material on the subject of this study and shall, at such times as it may determine, hold public hearings and make stenographic records thereof. The said commission shall, on or before the first day of December, 1950, file with the Governor a copy of its report, which the Governor shall cause to be printed, and which shall be distributed to the press and the public. The printing costs thereof shall be paid by allocations made by the Director of the Budget from highway funds.

Public hearings.

Report of commission; printing and distribution.

SEC. 4. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1949.

S. R. 428 RESOLUTION 32

A JOINT RESOLUTION TO ADJOURN IN RECOGNITION OF THE HALIFAX RESOLVES OF APRIL 12, 1776.

Preamble: Halifax Resolution passed on April 12, 1776.

WHEREAS, the Provincial Congress assembled at Halifax passed on April 12, 1776 the following Resolution: "Resolved, that the delegates for this Colony in the Continental Congress be empowered to concur with the delegates of the other Colonies in declaring independency, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a Constitution and laws for this Colony, and of appointing delegates from time to time (under the direction of a general representation thereof), to meet the delegates of the other Colonies for such purpose as shall be hereafter pointed out."; and

State Flag Day.

WHEREAS, the General Assembly in 1885 recognizing the significance of this date passed an Act requiring the date "April 12, 1776" to be on our State Flag; and

April 12 important date in State history.

WHEREAS, April 12 is an important and significant date in the history of North Carolina:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Recognition of importance of action of Provincial Congress on April 12, 1776.

SECTION 1. That the General Assembly of North Carolina pause and reflect upon the importance and consequence of the action of the delegates of the Provincial Congress on April 12, 1776 and the profound effect which this action had upon the delegates from other colonies to the Continental Congress.

Adjournment in recognition of action.

SEC. 2. That the General Assembly of North Carolina adjourn today in honored recognition of this action and its results upon the history of North Carolina and the United States.

A greater appreciation of the State, its history and traditions, urged.

SEC. 3. That the General Assembly of North Carolina in adjourning in recognition of this action recommends to its members and to the citizens of North Carolina a more thorough study and a deeper reflection upon the historical events of the past in order that we may develop and grow into a greater State where political, economic, religious, and social freedom may ever be preserved for her citizens.

SEC. 4. That this Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. R. 1264 RESOLUTION 33

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND SENATE FOR THE ELECTION OF TRUSTEES OF THE GREATER UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the House of Representatives, the Senate concurring:

Joint meeting for election of trustees of Greater University of N. C.

SECTION 1. That the House of Representatives and Senate meet in joint session on Wednesday, April 13, 1949, at 12:30 o'clock P. M. in the House Chamber for the purpose of electing trustees of the Greater University of North Carolina.

Effective date.

SEC. 2. That this Resolution shall be in full force and effect from and after April 13, 1949.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

H. R. 1082 RESOLUTION 34

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE SECRETARY OF STATE TO HAVE PRINTED THREE THOUSAND COPIES OF CHAPTER 358, PUBLIC LAWS OF 1939, AS AMENDED BY THE GENERAL ASSEMBLIES OF 1941, 1943, 1945, 1947, AND AS FURTHER AMENDED BY THE ACTS OF THIS GENERAL ASSEMBLY, AND OTHER PUBLIC SCHOOL LAWS, INCLUDING PUBLIC SCHOOL LAWS ENACTED BY THE GENERAL ASSEMBLY OF 1949, AND PROVIDING THAT THE DISTRIBUTION THEREOF BE UNDER THE DIRECTION OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Resolved by the House of Representatives, the Senate concurring:

Printing of School Machinery Act and other public school laws.

SECTION 1. That the Secretary of State be, and he is hereby authorized and directed to have printed three thousand (3,000) copies of Chapter 358, Public Laws of 1939, as amended by the General Assemblies of 1941, 1943, 1945, 1947, and as further amended by the Acts of this General Assembly, and other public school laws including public school laws enacted by the General Assemblies of 1945, 1947, and 1949, and to be distributed by the State Superintendent of Public Instruction.

Distribution.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1949.

S. R. 415 RESOLUTION 35

A JOINT RESOLUTION RELATING TO THE CENTENNIAL CELEBRATION OF THE CREATION OF WATAUGA COUNTY.

Preamble: Creation of Watauga County; centennial celebration.

WHEREAS, Watauga County was created one hundred years ago in the year 1849; and

WHEREAS, a centennial celebration of the creation of Watauga County has been planned for July, 1949; and

WHEREAS, such celebration will extend over a period of several days with the specific dates to be fixed later; and

Designation of "Education Day."

WHEREAS, one day of the celebration days is to be designated as "Education Day"; and

WHEREAS, Appalachian State Teachers College had its beginnings fifty years ago; and

Dedication of "Education Day" in honor of Dr. B. B. Dougherty, Appalachian State Teachers College.

WHEREAS, said "Education Day" shall be specifically dedicated to honoring Dr. B. B. Dougherty, whose efforts over a period of fifty years, in every capacity from janitor to president, in behalf of said college were largely responsible for the growth and usefulness of that institution; and

Contribution of Dr. Dougherty to public school system.

WHEREAS, Dr. Dougherty has contributed in no small measure to the development and enlargement of the public school system of North Carolina, and has served as a member of the State Board of Education for almost twenty years; and

Invitation to State officials, etc., to attend centennial celebration.

WHEREAS, an invitation has been extended to the Governor, the Council of State, and all other State officials and to the members of the General Assembly to attend the centennial celebration of the creation of Watauga County:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Watauga County congratulated upon its progress.

SECTION 1. The General Assembly herewith congratulates Watauga County upon its one hundred years of progress and the several members of the two Houses of the General Assembly herewith express their appreciation of the invitation to attend the centennial celebration of the creation of Watauga County, and they herewith urge the citizens of the sister counties of

Expression of appreciation for invitation.

Watauga to join with Watauga County in its celebration of one hundred years of achievement.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1949.

H. R. 1173 RESOLUTION 36

A JOINT RESOLUTION TO PROVIDE FOR A COMMISSION TO STUDY THE LAW ESTABLISHING THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Preamble: Desire for study of law governing operation of Local Governmental Employees' Retirement System.

WHEREAS, certain counties, cities and towns and their employees who are covered by the Local Governmental Employees' Retirement System Act, as well as certain other public agencies, desire that a study be made of the law under which the Local Governmental Employees' Retirement System now operates; and

Purpose of study.

WHEREAS, it is particularly desired that this study shall be made with a view of determining the best actuarial principles in order to afford maximum benefits under said law and a study be made of the benefit formula and a re-examination be had of the basic concepts of said Act:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Commission on Local Governmental Employees' Retirement System Law; membership.

SECTION 1. A commission on the Local Governmental Employees' Retirement System Act or Law is hereby created. The commission shall consist of the Chairman of the Board of Trustees of the Teachers' and State Employees' Retirement System, who shall be ex-officio chairman of this commission; one person to be designated by the North Carolina League of Municipalities; one person to be designated by the Commissioner of Insurance of North Carolina; one person to be designated by the Governing Authority of the City of Charlotte; one person to be designated by the Governing Authority of the County of Guilford; one person to be designated by the Governing Authority of the City of Greenville, and one person to be designated by the Governing Authority of the City of Durham. All vacancies occurring in the commission shall be filled by the Governor.

Vacancy appointments.

Commission for a special purpose.

SEC. 2. The commission shall be deemed a "commission for a special purpose" within the meaning of Article XIV, Section 7, of the North Carolina Constitution.

Duty of commission.

SEC. 3. It shall be the duty of the commission to make a thorough study of the Local Governmental Employees' Retirement System Act or Law, and particularly to examine and study all of the actuarial bases of said Law or Act as well as the benefit structure or formula with a view of determining whether or not any amendments or changes should be made in said Act and to determine whether or not a system can be perfected whereby larger benefits can be made to the members of said system and at the same time maintain the system on a safe and sound actuarial basis. The commission is authorized to examine, review and study any particular phase of said Act. The commission shall make a report of its activities and recommendations for the improvement of the Law mentioned above to the Governor and General Assembly of 1951. The term of service of the commission herein provided for shall continue until January 1st, 1951. The members of the commission shall serve without compensation and without any maintenance or allowance funds whatsoever.

Report of commission.

Term of commission.

Power of commission to examine witnesses, etc.

SEC. 4. The commission is hereby authorized and empowered to examine witnesses and to compel the production of books, papers and documents and to issue subpoenas in the name of the chairman, the commission having passed an order to such effect. The commission is authorized, through its chairman, to administer oaths and to do any and all things necessary for a complete examination of the Retirement Act above mentioned and to carry out the purposes of this Resolution.

Power to administer oaths, etc.

Effective date.

SEC. 5. This Resolution shall be in full force and effect from and after the adjournment of the present General Assembly.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. R. 1158 RESOLUTION 37

A RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES CONCERNING CERTAIN PROPOSED CONSTITUTIONAL AMENDMENTS AUTHORIZING THE UNITED STATES TO NEGOTIATE WITH OTHER NATIONS RELATING TO A WORLD FEDERAL GOVERNMENT WITH LIMITED POWERS ADEQUATE TO ASSURE PEACE.

Preamble: Threat of war; maintenance of world peace concern of every American citizen.

WHEREAS, war is now a threat to the very existence of our civilization, because modern science has produced weapons of war which are overwhelmingly destructive and against which there is no sure defense; and

WHEREAS, the effective maintenance of world peace is the proper concern and responsibility of every American citizen; and

Desire of citizens of State for guarantee of world peace.

WHEREAS, the people of the State of North Carolina, while now enjoying domestic peace and security under the laws of their local State and Federal government, deeply desire the guarantee of world peace; and

Peace a product of law and order.

WHEREAS, all history shows that peace is the product of law and order, and that law and order are the product of government; and

United Nations, lack of power under present charter.

WHEREAS, the United Nations, as presently constituted, although accomplishing great good in many fields, lacks authority to enact, interpret or enforce world law, and under its present charter is incapable of restraining any major nations which may foster or foment war; and

Procedure for reviewing and altering charter.

WHEREAS, the Charter of the United Nations expressly provides, in Articles 108 and 109, a procedure for reviewing and altering the charter; and

Resolution of State for creation of World Federal Government.

WHEREAS, in 1941, North Carolina was the first of many states to memorialize Congress, through Resolutions by their State Legislatures or in referenda by their voters, to initiate steps towards the creation of a World Federal Government; and

Delegation of sovereign powers to World Federal Government.

WHEREAS, several nations have recently adopted constitutional provisions to facilitate their entry into a World Federal Government by authorizing a delegation to such a World Federal Government of a portion of their sovereignty sufficient to endow it with power adequate to prevent war.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Proposed constitutional amendment authorizing action leading to establishment of World Federal Government.

SECTION 1. That application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for the sole purpose of proposing amendments to the Constitution which are appropriate to authorize the United States to negotiate with other nations, subject to later ratification, a Constitution of a World Federal Government, open to all nations, with limited powers adequate to assure peace, or amendments to the Constitution which are appropriate to ratify any world constitution which is presented to the United States by the United Nations, by a world constitutional convention or otherwise; and *be it further resolved.*

Copies of resolution.

SEC. 2. That the Secretary of State is hereby directed to transmit copies of this application to the Senate and the House of Representatives of the Congress, to the members of the said

Senate and House of Representatives from this State, and to the presiding officers of each of the Legislatures in the several states, requesting their cooperation.

SEC. 3. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

H. R. 1237 RESOLUTION 38

A JOINT RESOLUTION APPOINTING MEMBERS TO BENNETT PLACE MEMORIAL COMMISSION.

Be it resolved by the House of Representatives, the Senate concurring:

Bennett Place Memorial Commission, appointment of members.

That Mrs. Mary Biddle Trent, as successor to the late Mrs. B. N. Duke; Mr. John A. Buchanan, as successor to the late Dr. Frank C. Brown; and Mr. Robinson O. Everett, as successor to the late Mrs. Edward J. Parrish, be, and each of them is hereby appointed a member of the Bennett Place Memorial Commission to serve until his or her successor is appointed.

This Resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of April, 1949.

S. R. 296 RESOLUTION 39

A JOINT RESOLUTION TO CONTINUE THE COMMISSION AUTHORIZED BY THE GENERAL ASSEMBLY OF 1945 AND THE GENERAL ASSEMBLY OF 1947 TO STUDY THE LAWS OF THE STATE RELATING TO DOMESTIC RELATIONS FOR FURTHER STUDY OF SUCH LAWS AND FOR STUDY OF ANY OTHER LAWS PERTAINING TO THE WELFARE OF CHILDREN WITH SPECIAL EMPHASIS UPON LAWS RELATING TO GUARDIANSHIP.

Preamble: Creation of commission to study laws of State relating to domestic relations.

WHEREAS, by Joint Resolution the General Assembly of 1945 created a special commission to study the laws of North Carolina relating to the field of domestic relations and assigning for special attention such laws as related to the adoption of minor children, bastardy, divorce and alimony, marriage, married women, guardian and ward, annulment, and juvenile and domestic relations courts; and

Work of commission.

WHEREAS, said commission was duly appointed and for two years engaged in a review of as much of its assigned responsibility as it was possible to cover thoroughly within that time; and

Continuation of commission by General Assembly, 1947.

Additional assignment.

WHEREAS, by Joint Resolution the General Assembly of 1947 continued the commission for an additional two years for the same purposes as set forth in Resolution Number 43 in the published volume of Session Laws of 1945 and in addition for the purpose of reviewing the statutes relating to the correctional institutions and any other laws pertaining to the welfare of children and for the purpose of developing recommendations thereupon; and

Work and report of commission.

WHEREAS, said commission for the past two years has again engaged in a review of as much of its assigned responsibility as it was possible to cover thoroughly within that time and on results of which it has reported with recommendations to the Governor and the General Assembly; and

Opinion that work of commission should be continued.

WHEREAS, it was the considered opinion of the commission in which this General Assembly concurs that the remainder of the entire field assigned to the commission still requires intensive study by a similar commission which should report its suggestions to the Governor and to the General Assembly of 1951:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Continuation of commission to study Domestic Relations Laws; powers and duties.

SECTION 1. That the commission to study the Domestic Relations Laws of North Carolina shall be continued for a period extending to the date on which the General Assembly of 1951 shall convene and said commission shall have all the rights, duties, privileges, and obligations and shall exist for the same purposes as set forth in Resolution Number 19 in the published volume of Session Laws of 1947 and shall give particular attention to the statutes relating to guardian and ward and shall develop recommendations thereupon.

Members of commission.

SEC. 2. That the commission shall consist of the Attorney General, the Commissioner of Public Welfare, the Commissioner of Correction, one person to be appointed by the Governor from the Clerks of Superior Courts, one person appointed by the Governor as a representative of the State Bar, and four persons appointed by the Governor with regard to their knowledge and appreciation of the social, economic, and legal problems growing out of the area of responsibility of the commission.

Commission for special purpose.

SEC. 3. The commission shall be deemed a "commission for special purpose" within the meaning of Article XIV, Section 7, of the North Carolina Constitution.

Maintenance and travel expenses.

SEC. 4. Members of the commission shall serve without compensation but shall be allowed necessary maintenance and actual travel expenses to be paid out of the Contingency and Emergency Fund.

Effective date.

SEC. 5. This Resolution shall become effective July 1, 1949.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. R. 456 RESOLUTION 40

A JOINT RESOLUTION IN APPRECIATION OF THE HOSPITALITY OF GENERAL FRANKLIN A. HART AND HIS COMMAND OF CAMP LEJEUNE AND TO SENATORS WARD AND LARKINS AND REPRESENTATIVE VENTERS IN MAKING THE TRIP POSSIBLE.

Be it resolved by the Senate and House of Representatives concurring:

Expression of appreciation to Commander and officers of Camp Lejeune for hospitalities on occasion of visit of General Assembly.

SECTION 1. That the members of the Senate and the House of Representatives on behalf of themselves, their wives and other guests desire to express to General Franklin A. Hart and the officers of his staff, and other military personnel of the division under his command, their sincere and deep appreciation for the invitation to visit Camp Lejeune and for the cordial hospitality, many courtesies, and outstanding entertainment given them on the occasion of their visit to the camp on February 2nd, 1949.

Appreciation to certain members of General Assembly.

SEC. 2. That the genuine thanks of the members of the Senate and House of Representatives are hereby expressed to Senators Ward and Larkins and Representative Venters for their efforts in making the trip possible and enjoyable.

SEC. 3. That a copy of this Resolution be transmitted to General Hart.

SEC. 4. That this Resolution shall be in force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 22nd day of April, 1949.

S. R. 484 RESOLUTION 41

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE APPROVAL OF THE APPOINTMENTS TO THE STATE BOARD OF EDUCATION.

Be it resolved by the Senate, the House of Representatives concurring:

Joint meeting for approval of State Board of Education appointments, etc.

SECTION 1. That the Senate and House of Representatives meet in Joint Session on Friday, April 22nd, 1949, at 12:00 o'clock Noon in the House Chamber for the purpose of approving appointments to the State Board of Education and for any other purpose that might properly come before the said Joint Session.

Effective date.

SEC. 2. That this Resolution shall be in full force and effect from and after April 22nd, 1949.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. R. 480 RESOLUTION 42

A JOINT RESOLUTION EXPRESSING APPRECIATION OF THE GENERAL ASSEMBLY FOR SERVICES RENDERED BY THE INSTITUTE OF GOVERNMENT.

Preamble: Services rendered by Institute of Government to members of General Assembly.

WHEREAS, the services rendered by the Legislative Staff of the Institute of Government, a division of the University of North Carolina, in the analysis of bills, the preparation of pending calendars, the daily report of calendar action, the preparation of daily and weekly bulletins, and other assistance to the Members of the General Assembly has been of inestimable value not only to Members of the General Assembly but to interested citizens throughout the State of North Carolina:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Expression of appreciation to Institute of Government, Legislative Staff.

SECTION 1. The General Assembly of North Carolina expresses its sincere appreciation to the Legislative Staff of the Institute of Government, a division of the University of North Carolina, for the valuable assistance rendered by it to the Members of the General Assembly in the conduct of the business of the State of North Carolina during the present session.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

H. R. 1329 RESOLUTION 43

A JOINT RESOLUTION RELATING TO THE CENTENNIAL CELEBRATION OF THE CREATION OF FORSYTH COUNTY.

Preamble: Creation of Forsyth County; centennial celebration.

WHEREAS, Forsyth County was created one hundred years ago in the year 1849; and

WHEREAS, a centennial celebration of the creation of Forsyth County has been planned for May, 1949 with the participation of the citizens of the Twin City of Winston-Salem, and of Kernersville and of the other parts of that historic county; and

WHEREAS, such celebration will extend over a period of several days with the principal pageant and reception to take place on May 12th; and

Invitation extended to State officials, etc., to attend celebration.

WHEREAS, an invitation has been extended to the Governor, the Council of State, and all other State officials and to the members of the General Assembly and to other distinguished guests to attend the centennial celebration of the creation of Forsyth County:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

County congratulated upon progress.

SECTION 1. The General Assembly herewith congratulates Forsyth County upon its one hundred years of progress and the several members of the two Houses of the General Assembly herewith express their appreciation of the invitation to attend the centennial celebration of the creation of Forsyth County, and they herewith urge the citizens of the sister counties of Forsyth to join with Forsyth County in its celebration of one hundred years of achievement.

Expression of appreciation of invitation.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. R. 462 RESOLUTION 44

A JOINT RESOLUTION PAYING TRIBUTE TO SCOUTMASTERS.

Preamble: Services of Scout officials.

WHEREAS, over two thousand loyal American citizens of North Carolina who serve as scoutmasters, cubmasters and senior scout advisors are giving unselfish and voluntary service beyond the call of duty; and

WHEREAS, it is a known fact that scout training contributes extensively to the development of good citizenship and noble character and that boy scouts, cub scouts and senior scouts are known for their habits for doing good turns and unselfish service; and

Contribution of Scout training.

WHEREAS, the boy scout movement is one of America's cherished methods of helping boys to practice the principles of true democracy and that each year in North Carolina over twenty-five thousand of our boys and young men who live in all parts of the State, some on farms, some in towns and others in cities, are receiving the irreplaceable training of scout craft:

Irreplaceable training of Scoutcraft.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the General Assembly of the State of North Carolina here assembled recognizes with pride the invaluable services that are being rendered to our State by scoutmasters.

Recognition of services rendered to State by Scoutmasters.

SEC. 2. That the General Assembly of the State of North Carolina, on behalf of the people of the State, express to the scouting leaders of today and to those who follow their sincere and everlasting appreciation and thanks for their unselfish service to boyhood.

Expression of appreciation for services.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. R. 483 RESOLUTION 45

A JOINT RESOLUTION DIRECTING THE COMMISSIONER OF INSURANCE TO INVESTIGATE THE RATE FIXED BY THE NORTH CAROLINA FIRE INSURANCE RATING BUREAU OF FIRE INSURANCE ON TOBACCO STORAGE BARNS.

WHEREAS, the North Carolina Fire Insurance Rating Bureau has fixed a basic fire insurance rate on frame construction, composition roofing storage barns of $1.10 per one hundred dollars; and

Preamble: N. C. Fire Insurance Rating Bureau, basic fire insurance rates.

WHEREAS, said bureau has fixed the rate on such barns used for storing tobacco of $3.90 per one hundred dollars; and

WHEREAS, the discrepancy in said rates is inflicting a large penalty on the tobacco farmers of this State; and

Discrepancy in rates.

Discrepancy not justified by facts presented.

WHEREAS, the Insurance Commissioner and the said Rating Bureau, after being requested to do so, are unable to furnish any loss experience sufficient to justify any such discrimination:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Commissioner of Insurance directed to investigate rates on tobacco pack barns.

SECTION 1. The Commissioner of Insurance is hereby authorized and directed to promptly institute an investigation to ascertain whether or not any basis exists for the rate fixed by the North Carolina Fire Insurance Rating Bureau on pack barns storing tobacco, and unless the facts can be ascertained to justify the present rate charged of $3.90 per one hundred dollars, such rate should not be approved by the Commissioner of Insurance in any amount in excess of the fair rate for such fire insurance without discrimination against the tobacco farmer.

Adjustment authorized.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

S. R. 482 RESOLUTION 46

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON SATURDAY, APRIL 23rd, 1949.

Be it resolved by the Senate, the House of Representatives concurring:

Adjournment sine die.

SECTION 1. That both the Senate and House of Representatives, constituting the General Assembly of 1949, do adjourn *sine die* on Saturday, April 23rd, 1949, at five o'clock P. M.

SEC. 2. That this Resolution shall be in force and effect from and after its ratification.

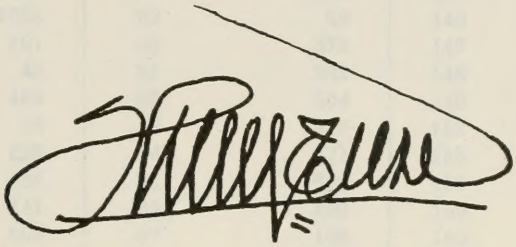
In the General Assembly read three times and ratified, this the 23rd day of April, 1949.

STATE OF NORTH CAROLINA,

DEPARTMENT OF STATE.

RALEIGH, MAY 26, 1949.

I, THAD EURE, secretary of State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.



Secretary of State.

NUMERICAL INDEX OF SENATE AND HOUSE BILLS

SENATE BILLS—SESSION, 1949

S. B.	*Chapter*	*S. B.*	*Chapter*	*S. B.*	*Chapter*
5	378	70	51	127	673
6	10	71	152	128	808
7	1	72	975	132	153
8	947	73	372	134	163
9	1158	74	95	135	976
10	915	77	58	136	491
11	371	78	1113	138	224
12	635	80	123	139	977
13	121	81	96	140	978
14	22	82	186	141	423
15	44	83	124	142	1235
18	45	84	187	143	192
19	46	86	948	144	213
21	47	87	252	145	674
22	1038	88	69	146	1018
24	107	89	373	147	505
26	48	91	262	148	193
27	489	92	504	149	194
28	56	93	916	152	492
31	223	94	671	155	424
34	34	95	672	156	206
39	141	96	490	159	412
42	503	97	108	160	979
44	2	98	125	161	413
45	3	101	110	163	1114
46	157	103	188	164	821
47	158	107	126	165	214
49	14	108	189	166	207
51	718	110	159	167	764
52	1250	111	160	169	248
53	247	112	161	171	765
57	49	113	636	172	425
58	15	114	205	173	225
60	719	118	162	174	226
61	720	119	190	176	227
62	57	120	97	177	321
63	35	121	142	179	675
64	295	122	191	181	682
65	122	123	422	182	414
68	94	125	917	183	348
69	50	126	263	184	971

S. B.	Chapter
187	493
188	506
189	507
191	349
192	809
193	374
194	339
195	296
196	766
197	767
198	1019
200	529
203	1020
205	350
207	676
208	980
209	340
212	637
213	638
214	426
215	375
216	379
217	415
219	981
220	514
221	972
223	880
224	683
225	376
227	380
228	494
229	416
230	377
231	567
232	495
233	681
234	515
237	568
238	381
242	973
243	982
244	983
245	984
246	985
248	1021
249	1022
250	1115
252	427
253	1039
255	1040
257	516
258	881
259	1069
260	569
261	1078
262	496
264	639
265	570
267	571
268	684
269	517
270	918
272	437
273	428
275	341
276	768
277	640
278	572
279	573
280	574
281	1182
282	974
284	1112
285	1079
287	518
288	769
289	641
291	986
292	642
293	519
294	520
295	1070
297	1071
299	521
300	643
301	1080
303	1081
305	575
306	1072
307	1073
308	1183
309	1005
310	576
311	770
312	771
313	530
315	577
318	919
319	721
320	822
321	578
322	1023
325	853
326	761
328	685
329	882
330	883
331	644
332	686
334	1041
336	687
337	920
338	1116
339	1074
340	688
341	772
342	689
343	1082
344	1075
345	1006
347	1007
349	1117
350	762
351	987
354	921
356	1024
358	1076
359	690
361	1083
362	922
363	923
364	1008
365	1025
366	884
367	773
369	1084
370	1251
371	924
373	854
374	855
375	885
378	1085
379	774
380	1118
382	1042
383	886
384	823

S. B.	Chapter	S. B.	Chapter	S. B.	Chapter
385	925	413	1047	448	1128
387	1043	414	1122	449	1256
390	1044	416	1028	450	1257
391	926	417	1048	451	1191
392	1159	418	1049	455	1192
394	1086	419	1287	458	1258
395	1026	421	1162	459	1193
396	1027	422	927	461	1194
397	1045	423	1050	463	1259
398	1184	424	1123	465	1260
399	1087	426	1187	467	1195
400	1088	427	1124	468	1261
401	1090	429	1125	469	1196
402	1119	430	1252	470	1197
403	988	433	1188	471	1198
404	1185	434	1189	473	1199
405	1089	435	1163	479	1200
407	1120	436	1126	481	1262
408	1046	437	1253	485	1263
409	1160	438	1190	487	1264
410	1161	442	1127	488	1265
411	1121	444	1254	489	1266
412	1186	446	1164	490	1291

HOUSE BILLS—SESSION, 1949

H. B.	Chapter	H. B.	Chapter	H. B.	Chapter
5	164	42	127	73	52
9	11	43	7	74	25
10	165	45	12	75	195
14	837	46	8	76	297
17	1051	49	13	77	60
19	16	55	228	78	173
21	36	56	98	79	264
23	143	57	9	81	810
25	23	59	17	83	61
26	144	60	59	84	40
27	4	61	38	85	62
28	37	62	322	86	109
30	392	63	70	87	901
31	1248	64	71	91	196
33	1249	68	39	92	429
35	417	69	24	93	41
36	208	70	128	95	63
39	5	71	229	96	64
40	6	72	18	97	65

H. B.	*Chapter*	*H. B.*	*Chapter*	*H. B.*	*Chapter*
98	856	162	887	235	82
101	418	163	32	236	133
102	84	165	146	237	172
103	26	166	147	238	776
104	99	167	20	239	102
105	42	168	135	240	138
106	72	169	430	241	580
107	73	170	132	245	116
109	129	172	43	246	216
111	74	173	230	247	103
112	55	174	170	248	522
113	215	176	33	249	523
114	1201	178	182	250	301
115	452	179	78	251	104
116	298	183	1053	252	105
118	130	185	1129	253	174
119	85	186	67	254	106
121	137	187	79	258	175
122	145	191	1290	259	777
123	111	194	824	261	266
124	166	195	114	263	197
125	167	196	100	266	198
127	113	197	80	268	176
128	53	198	231	271	90
129	81	199	265	272	91
131	27	201	115	273	92
132	66	202	21	275	1029
133	28	203	300	280	989
134	29	206	86	281	117
136	19	208	54	282	93
137	154	209	68	283	134
138	75	210	136	284	83
139	30	211	677	286	118
140	31	212	497	289	199
141	131	213	171	291	302
142	723	216	691	294	1203
143	185	217	1202	295	209
144	76	218	1130	296	119
145	77	219	87	297	183
150	299	224	88	298	355
151	419	225	351	299	581
153	168	226	232	301	200
154	775	227	352	302	234
155	112	228	353	303	120
156	579	229	354	305	253
157	169	230	101	306	148
158	150	231	89	308	678
160	1052	233	233	309	267
161	393	234	394	310	235

H. B.	Chapter	H. B.	Chapter	H. B.	Chapter
312	1054	384	1132	460	360
313	236	385	249	461	583
314	155	386	272	462	420
315	268	387	323	463	1292
317	1030	388	180	464	307
318	237	389	181	466	1267
319	1031	390	357	467	278
320	217	391	241	468	279
321	498	392	273	469	326
322	1091	395	242	470	280
323	356	396	358	474	281
324	269	397	645	475	251
325	1131	398	204	476	811
326	149	402	779	478	361
329	151	406	780	482	246
330	238	408	260	483	282
336	254	409	324	484	327
337	201	410	274	485	501
338	177	411	499	486	308
339	303	412	261	487	283
343	1009	414	275	488	284
344	270	415	276	489	328
346	139	416	210	491	309
348	382	417	243	492	857
349	255	418	219	495	285
350	825	419	1165	496	310
351	184	420	220	497	286
352	202	421	453	499	287
354	256	422	244	500	288
355	1010	425	245	501	838
356	140	426	359	502	949
357	888	429	221	503	383
359	1204	431	889	504	362
361	257	433	211	508	311
362	178	434	500	509	646
364	156	435	222	511	647
365	218	437	431	512	584
366	271	438	342	513	289
367	531	439	325	514	329
371	304	441	305	515	1092
373	258	445	212	516	585
374	179	446	432	517	312
375	239	447	532	519	313
376	259	449	277	522	384
377	203	450	433	523	330
378	240	454	454	524	331
380	582	456	250	525	290
381	1205	457	306	526	314
382	778	459	826	528	315

H. B.	Chapter	H. B.	Chapter	H. B.	Chapter
529	586	588	591	654	540
531	291	589	928	655	347
533	363	590	458	656	512
535	648	591	1055	657	404
536	649	592	395	658	597
537	343	593	396	659	929
538	455	596	318	660	950
539	650	598	653	661	951
540	651	600	725	663	812
541	332	601	592	664	405
542	333	602	370	665	391
543	334	603	593	667	406
545	827	604	435	668	441
546	456	606	1032	669	442
547	316	609	726	670	443
548	385	610	1077	671	407
549	344	611	436	672	598
550	364	615	508	673	444
551	533	616	538	675	460
552	534	617	320	677	541
553	335	618	386	680	839
554	336	619	317	681	445
555	337	620	387	682	891
556	457	621	397	685	694
557	292	622	398	687	599
558	365	623	1206	688	542
559	421	624	388	689	654
563	366	625	399	690	695
564	535	626	400	691	510
565	587	628	858	694	655
567	890	629	594	695	524
569	536	633	509	696	461
570	367	635	692	697	462
571	652	636	595	698	1056
572	338	637	389	699	446
573	588	638	631	700	543
574	589	639	438	702	544
575	537	640	439	703	600
576	345	641	459	704	1093
577	368	642	1207	705	463
578	319	644	440	706	511
579	293	645	1133	708	1134
581	369	647	693	709	601
582	346	648	390	710	656
583	724	649	401	714	447
584	294	650	402	715	464
585	502	651	403	716	408
586	590	652	596	717	409
587	434	653	539	718	930

H. B.	*Chapter*	*H. B.*	*Chapter*	*H. B.*	*Chapter*
719	781	785	602	845	786
720	448	786	482	846	990
721	449	787	813	847	734
725	892	789	861	848	933
726	513	790	525	852	815
727	465	791	548	853	608
729	1208	792	1033	854	934
731	466	795	549	855	659
733	467	796	550	856	660
734	468	797	483	858	561
735	469	798	484	859	894
737	470	799	828	860	562
739	450	800	1058	862	735
742	471	802	603	863	609
743	472	803	604	864	935
745	727	804	485	866	632
748	473	805	526	867	763
749	410	807	785	868	736
750	545	808	932	869	563
751	474	809	699	872	816
752	411	812	1059	873	1135
753	475	813	486	875	817
754	696	814	732	877	564
755	476	815	679	878	737
756	657	816	551	879	1136
758	477	817	552	880	787
759	859	818	487	881	565
760	893	820	488	882	788
761	697	821	553	883	566
762	782	822	554	884	610
763	478	823	605	885	611
764	783	824	658	886	738
765	784	825	555	887	527
766	479	826	814	889	789
767	860	827	606	890	661
768	546	828	733	891	1268
769	1209	829	700	893	739
770	728	830	556	894	840
771	931	831	701	895	662
772	729	832	557	897	790
773	698	833	558	898	704
775	480	834	1060	899	663
777	481	835	1211	902	612
778	547	836	702	903	664
779	1210	837	559	904	528
780	730	839	703	905	1137
781	731	841	862	906	936
783	1057	842	607	907	829
784	451	843	560	909	740

H. B.	*Chapter*	*H. B.*	*Chapter*	*H. B.*	*Chapter*
910	1212	972	956	1047	712
911	1011	973	957	1048	713
912	863	974	707	1049	714
913	1213	975	620	1050	802
914	952	976	621	1051	630
915	953	977	622	1052	715
916	954	979	623	1053	716
917	818	980	749	1054	633
918	819	984	1289	1056	941
919	705	986	666	1057	760
920	1166	987	750	1058	895
921	680	991	624	1060	842
922	741	992	625	1061	843
923	791	993	626	1062	803
925	613	994	627	1063	722
927	614	996	628	1064	1012
928	1138	998	751	1065	1168
930	706	999	991	1066	1169
931	615	1000	752	1069	1217
932	742	1001	992	1070	867
933	616	1002	708	1071	1218
934	841	1003	667	1073	896
936	820	1004	629	1074	1139
937	830	1012	753	1075	960
939	831	1014	939	1076	868
940	1214	1015	796	1077	804
941	665	1016	832	1078	869
942	743	1017	940	1081	1170
943	955	1019	797	1084	1140
944	937	1020	754	1085	961
946	792	1021	755	1086	844
947	938	1025	709	1087	1013
948	744	1026	756	1089	1061
949	617	1027	958	1090	1014
951	745	1028	798	1091	870
952	1167	1029	902	1092	897
956	618	1030	757	1093	805
957	1215	1031	710	1094	904
958	864	1032	758	1095	634
959	865	1033	759	1096	942
960	793	1034	711	1097	1015
961	794	1035	799	1098	807
963	795	1036	800	1099	1171
964	746	1037	801	1101	871
965	747	1040	668	1102	898
967	866	1041	669	1103	872
969	619	1042	959	1104	873
970	748	1043	670	1105	874
971	1216	1044	903	1106	993

H. B.	*Chapter*
1107	1172
1108	962
1112	1094
1113	994
1114	1219
1115	717
1116	833
1117	875
1118	876
1119	834
1120	835
1122	877
1123	1220
1124	899
1125	905
1126	995
1127	1141
1128	1062
1129	1034
1131	845
1132	878
1133	846
1134	1016
1135	1095
1136	1096
1137	1097
1139	1269
1140	906
1141	907
1142	1221
1143	996
1145	997
1146	1142
1147	1098
1148	1035
1149	1270
1150	1222
1151	963
1152	998
1153	1063
1154	999
1155	1036
1156	964
1157	847
1159	965
1160	966
1161	1099
1163	1143
1164	1144
1165	943
1166	1173
1167	967
1168	1000
1170	1100
1171	1017
1172	848
1174	1064
1176	968
1177	1145
1178	908
1179	900
1180	849
1181	1174
1184	1101
1185	1102
1186	944
1187	1146
1188	969
1189	879
1190	806
1191	836
1192	1001
1193	1147
1194	970
1195	1037
1197	1175
1198	1065
1200	945
1201	1148
1202	1223
1203	1271
1205	850
1206	851
1207	1293
1208	946
1210	909
1211	1002
1216	910
1217	911
1218	1224
1219	1003
1220	912
1221	913
1222	914
1223	1149
1225	1004
1226	852
1227	1150
1228	1225
1229	1176
1230	1226
1235	1103
1238	1272
1239	1151
1240	1066
1242	1152
1244	1104
1245	1227
1246	1228
1247	1177
1248	1229
1249	1105
1251	1106
1252	1107
1254	1153
1259	1108
1260	1154
1262	1155
1265	1109
1270	1110
1274	1178
1278	1156
1279	1111
1280	1179
1282	1180
1283	1230
1284	1231
1286	1232
1290	1181
1292	1157
1293	1273
1294	1067
1295	1288
1296	1233
1297	1234
1298	1068
1301	1236
1302	1237
1304	1238
1305	1239
1307	1240
1308	1274
1310	1241
1311	1242
1312	1243
1314	1244
1316	1275

H. B.	*Chapter*	*H. B.*	*Chapter*	*H. B.*	*Chapter*
1317	1276	1325	1247	1339	1285
1318	1277	1328	1280	1340	1294
1321	1245	1331	1281	1341	1286
1322	1278	1333	1282	1342	1295
1323	1279	1336	1283	1343	1255
1324	1246	1337	1284		

Index to 1949 Session Laws

A

Page

Abandonment:
Law amended 919

Aberdeen, Town of:
Corporate limits, extension validated 50
Real property, certain conveyances validated 731

Absentee Voting:
Law amended as to printing and distribution of absentee ballots 693

Absentees:
Missing persons, procedure for administration of estates 583

Acknowledgments:
Attorneys in fact, law relating to acknowledgments amended 54
Certain deeds acknowledged in foreign states, omitting seal, validated 67, 259
Clerks of Superior Courts:
Powers as to acknowledgments 49
Prior acts of deputy clerks in taking acknowledgments validated 1232
Corporations, form of acknowledgment of conditional sales contract, etc. 1557
Notaries Public, acknowledgments taken prior to qualification validated 1

Adjusters of Insurance Claims:
Regulatory law amended 1083, 1572

Adjutant General—See under State Officials

Administration—See Estates

Administration of Justice:
Judicial Council, establishment of 1209

Administrative Agencies and Boards—See State Administrative Agencies and Boards

Administrators—See Executors and Administrators

Adoption of Minors:
Adoption law rewritten 264
Certificate of identification for adopted child of foreign birth 134

Page

Advertising:
General:
State Board of Education, appropriation for advertising for teachers 1657
Local:
Carolina Beach, tax levy and appropriations for advertising town, subject to referendum 279
New Hanover County, use of ABC profits for advertising purposes 32
Wake County, use of ABC profits for advertising purposes 111
Wrightsville Beach, use of certain funds for advertising town 578

Advisory Budget Commission:
Camp Butner, authority as to disposition of surplus real property 58
Permanent Improvement Appropriation Act, authority under 1615
U. N. C., disposition of certain public utility systems, commission approval required 673

Aeronautics—See Airports and Aircraft

Aged:
Commission for Study of problems as to care of aged persons, establishment 1539

Agricultural Fairs:
Act relating to the supervision of 943

Agricultural Liens—See Liens

Agricultural Tenancies:
Montgomery County, law as to agricultural tenancies made applicable to 103

Agriculture:
General:
Artificial insemination, sales of semen exempted from sales tax 1665
Cattle, highway signs for protection at crossings 923
Cooperative Agricultural Extension Service employees, retirement 1216
Cotton, numbering of bales by public ginneries; registration 939
Fairs, Act relating to the supervision of 943
Farm census surveys, procedure for; compensation to counties 1666
Farm products for shipment in foreign commerce, exemption from taxation 1662
Farm products, valuation for taxation when held by stabilization and marketing associations 820

Page

Agriculture—(Continued)
General—(Continued)
Farm tractors and trailers, exempted from license requirements 435
Grain cereals, packing in used containers, prohibited 1114
Liming material, use of reporting system in payment of tonnage fees 942
Livestock markets, law relating to, amended 1137
Milk and cream, regulation of products from other states 934
Milk, Board of Agriculture authorized to prescribe weight or measurement standards 1112
North Carolina Feed Law, amendments 648
North Carolina Fertilizer Law, amendments 646
North Carolina Seed Law, rewritten 821
Oleomargarine, law relating to sale and distribution, amended 1108
Soil conservation districts, county supervisors, powers and duties 233
Trucks of farmers, special license plates 323

Local:
Columbus County, agricultural products, exemption from taxes 644
Martin County, hog cholera prevention program authorized 176
Montgomery County, law relating to agricultural tenancies made applicable 103

Ahoskie, Town of:
City Manager form of government, election on adoption of 335

Airports and Aircraft:
North Carolina Aeronautics Commission, abolished 973
Forsyth County, Airport Commission, creation of 623

Alamance County:
Board of Equalization and Review, extension of time for completing revaluations 79
Court reporters, compensation of 235
Gibsonville, police jurisdiction extended beyond corporate limits 738
Sale of tax liens on real estate, application of general law 80

Albermarle, City of:
National Guard Armory, appropriations for equipment of, authorized 253
Parking meter revenues and other non-tax revenues, appropriations for certain purposes 253
Police department, authority of certain officers to issue warrants 953

Page

Alcoholic Beverages:

General:

ABC laws, provision for better regulation and enforcement of.. 1637
ABC store profits, use by local units for benefit of non-profit hospitals 876
Local ABC employees, participation in retirement program..... 1152
Malt beverages, regulation of sale and distribution..... 1099
North Carolina Hospitals Board of Control, establishment of facilities for treatment of alcoholics..... 1531

Local:

Asheville, jurisdiction of ABC law enforcement officers..... 880
Avery County, public drunkenness, penalty for..... 1005
Beaufort County, sale of alcoholic beverages near Roanoke Christian Service Camp prohibited..... 1211
Bertie County:
Allocation of share of ABC store profits to municipalities.. 480
Beer and wine licenses, issuance of..... 1219
Carteret County, wine and beer, sale in certain areas prohibited 1007
Chadbourn, election on establishment of ABC stores; allocation of profits..... 1379
Clay County, law enforcement officers required to refer liquor cases to state courts..... 95
Clinton, election on question of establishment of ABC stores; use of profits; etc..... 1166
Columbus County, illegal possession of non-tax-paid liquors, punishment 454
Craven County, wine and beer, sale in certain areas prohibited.. 1007
Creswell, payment to town of certain back profits from ABC stores, directed..... 1068
Cumberland County, use of ABC store funds, purposes designated 195
Dare County, ABC stores, allocation of profits, law amended..... 1689
Dunn, election on establishment of ABC stores; allocation of profits 1387
Durham County, distribution of certain surplus ABC funds..... 1000
East Spencer, election on question of establishment of ABC stores; allocation of profits..... 1263
Fair Bluff, election on establishment of ABC stores; allocation of profits 1379
Faison, election on establishment of ABC stores; allocation of profits 1418
Forsyth County, election on establishment of ABC stores; allocation of profits 1684

Page

Alcoholic Beverages—(Continued)
Local—(Continued)
Greene County, distribution of profits from ABC stores, law amended 464
Guilford County:
ABC store profits, division between county and municipalities, if stores established 1565
Beer and wine, law amended as to license fees 1378
Sale of beer and wine near Allen Jay School, prohibited 1071
Halifax County, ABC Board, appointment of members 1308
Hertford, election on establishment of ABC stores; allocation of profits 1430
Johnston County, sale near certain church prohibited 1145
Kenansville, election on establishment of ABC stores; allocation of profits 1416
Martin County, division of ABC store profits between county and municipalities 182
Montgomery County, fees and rewards for seizure of liquor stills 55
Moore County, bay rum, regulation of sales 462
Mooresville, election on establishment of ABC stores; allocation of profits 1549
New Hanover County, ABC profits, expenditure for certain public purposes authorized 32
Newton, election on establishment of ABC stores; allocation of profits 1659
Onslow County:
ABC store profits, allocations to municipalities in county 1386
Payment of certain ABC store funds into county general fund 459
Rockingham County, sale of bay rum for beverage purposes prohibited 102
Salisbury, election on establishment of ABC stores; allocation of profits 1260
Spencer, election on question of establishment of ABC stores; allocation of profits 1266
Tabor City, election on establishment of ABC stores, allocation of profits 1379
Wake County:
ABC store profits, allocations to incorporated municipalities 1283
Appropriation of ABC profits for certain public purposes authorized 111

Page

Alcoholic Beverages—(Continued)
Local—(Continued)
Wake County—(Continued)
Beer and wine, manufacture and sale near Holly Springs Baptist Church prohibited ... 1567
Wallace, election on establishment of ABC stores; allocation of profits ... 1407
Walnut Cove, election on ABC stores; allocation of profits ... 1375
Warren County, allocation of profits from ABC stores ... 175
Warsaw, election on establishment of ABC stores; allocation of profits ... 1413
Washington County:
ABC law enforcement officer, appointment of ... 629
ABC store profits, law amended as to distribution ... 1068
Wayne County, ABC stores, distribution of net profits ... 1143
Whiteville:
Election on establishment of ABC stores; allocation of profits ... 1379
Regulation of sale of beer; licensing of dealers ... 466
Winston-Salem, election on establishment of ABC stores; allocation of profits ... 1684
Wrightsville Beach, use of ABC store profits for advertising town ... 578
Yadkin County, law enforcement officers required to refer liquor cases to State courts ... 95
Yanceyville, regulation of sales of beer and wines, law amended ... 953

Aldermen—See under particular City or Town

Alexander County:
Deputies sheriff, travel expense allowances ... 292
Superior Court terms ... 459

Alimony—See Divorce and Alimony

Alleghany County:
Clerical assistants to certain officials, compensation ... 916
Register of Deeds, schedule of fees ... 295
Superior Court terms ... 458

Alumni Memorial Building:
Construction by N. C. State College authorized ... 1204

Amendments to State Constitution (Proposed):
To amend Article I, Section 12, to permit waiver of indictment in certain criminal cases ... 581

Page

Amendments to State Constitution (Proposed)—(Continued)
To amend Article II, to safeguard funds of the Teachers' and State Employees' Retirement System 932
To amend Article II, Section 28, to increase salaries of members and presiding officers of General Assembly 1661
To amend Article IV, Section 10, as to election of Superior Court Judges 391
To amend Article IV, Section 11:
To empower legislature to define jurisdiction of Special Superior Court Judges 882, 1523
To permit assignment of Superior Court Judges by Chief Justice 882, 1523

American Legion—See Veterans of Wars

American War Mothers:
Veterans' Hospital at Oteen, appropriation for improvement of guest house 1552

Andrews, Town of:
City Administrative School Unit, appointment of trustees; powers and duties 880
Mayor's Court, certain costs taxed for maintenance of law library 1027

Angier, Town of:
Street improvement bonds, proceedings validated 839

Animals—See Game and Game Laws

Annulment of Marriage—See Divorce and Alimony

Anson County:
Adjustment of delinquent taxes, Act amended 241
Board of Commissioners, nomination and election of members 993, 1321
Compensation of certain officials 524
Criminal county court, law amended as to jury trials 881
Delinquent taxes, allocation to general fund 241
Palmistry, fortune telling, and clairvoyance, practice prohibited; punishment 1569
Rural policemen, law amended as to control and supervision by sheriff 1056
School districts, Acts creating certain districts repealed 1525
Taxes, provision for prepayment 1146

Ansonville, Town of:
Taxes, adjustment of certain delinquent taxes authorized 1525

Page

Antifreeze:
Inspection and regulation of sale of antifreeze substances and preparations ... 1402

Anti-noise Laws:
Caswell County, regulation of loudspeakers, etc. ... 529
Halifax County, regulation of record-playing machines, etc. ... 1691
Harnett County, law regulating operation of loudspeaker systems, etc. ... 494, 1087
Pasquotank County, regulation of loudspeakers, amplifying systems, etc. ... 924
Law repealed ... 1392

Anti-Rabies Law:
General:
Amended, as to vaccinations ... 663
Local:
Edgecombe County, law made applicable to County ... 532
Forsyth County, vaccination of dogs required ... 635
Nash County, law amended as to ... 1559

Apex, Town of:
Police authority extended ... 530
Recorder's Court, oath and salary of Judge ... 293

Appeals—See Civil Procedure; Criminal Procedure

Appropriation Act of 1947—See Appropriations
Amended as to school instructional salaries ... 1653

Appropriation Act of 1949 ... 1616-1628
Act amended as to allocation of appropriation for school plant facilities ... 1693
Act amended as to teachers' salaries ... 1689

Appropriations—For local appropriations, see particular county or municipality
Alcoholic Rehabilitation Fund, appropriation for ... 1531
Antifreeze, appropriation for inspection and regulation of sale ... 1402
Atlantic States Marine Fisheries Commission, appropriation towards expense of ... 1253
Aycock, Charles B., Memorial Commission, appropriation towards establishment of memorial ... 1160
Biennial Appropriation Act of 1947, amended as to school instructional salaries ... 1653
Biennial Appropriation Act of 1949 ... 1616-1628
Amendments ... 1689, 1693

Page

Appropriations—(Continued)
Cherokee Historical Association, Incorporated, appropriation for developing dramatic production 1224
Contingency and Emergency Fund, compensation of Executive Secretary of Judicial Council from Fund 1210
Department of Insurance, appropriation for public hearings on rate schedules 1241
Governor's Mansion, appropriation for remodeling 730
Law Enforcement Officers' Benefit and Retirement Fund, appropriation for contribution by State 1213
North Carolina Armory Commission, unexpended appropriations to constitute permanent fund 1527
North Carolina Communications Study Commission, appropriation for 1239
North Carolina Library Commission, law as to public library service fund, amended as to annual appropriation 199
North Carolina Veterans Commission, appropriation for supplements to county funds 1690
Permanent Improvement Appropriation Act of 1949 1575, 1616
Public School Insurance Fund, appropriation for 1436
School plant facilities:
Appropriation for construction and improvement, allocations to counties 1693
Appropriation from Post-War Reserve Fund; appropriation from bond proceeds decreased 1628
Appropriations from bond proceeds, subject to election 1155
State Alcoholic Board of Control, Malt Beverage Division, appropriation for 1105
State Board of Education, appropriation to advertise for teachers 1657
State Board of Public Buildings and Grounds, appropriation for purchase of chairs for Senate and House 1678
State Department of Public Instruction, appropriation for compensation of Supervisor of Music Education 1111
State Ports Bond Act of 1949 929
Superior Courts, appropriation for increased salaries of Judges and Solicitors, for 1948-49 1401
Superior Courts, appropriations for salaries and expenses of solicitors 154
Supreme Court, appropriation for increased salaries of Justices, for 1948-49 1401
Teachers and State Employees, supplemental appropriations for salaries, 1947-49 biennium 187, 314, 952
Veterans' Hospital at Oteen, appropriation for improvement of guest house 1552

Page

Armed Forces:
Death certificates for members killed outside U. S. 144

Armories:
General:
N. C. Armory Commission:
Conveyances to State for armory purposes, Act amended 1226
Unexpended appropriations to constitute permanent fund 1527

Local:
Albermarle, authority to appropriate funds for equipment, National Guard Armory 253

Army:
Beaufort County, exempt from law prohibiting commercial use of name "Army" 968

Assessments—Special Assessments, see under particular City or Town;
Assessment of property for taxation, see Taxes and Taxation

Ashe County:
Jailer, compensation 637

Asheville, City of:
ABC law enforcement officers, jurisdiction; cooperation with Buncombe County Sheriff 880
Constable, compensation 644
Police Court, salaries of judge, solicitor and substitutes 1169
Taxes, listing of certain delinquent taxes, law amended 1650
Water bonds, authorized provisions of bond ordinances, etc. as to security and remedies of bondholders 1048

Asylums—See State Hospitals for Insane under State Institutions

Athletic Stadiums:
N. C. State College of Agriculture and Engineering, enlargement of stadium authorized 1206

Atlantic States Marine Fisheries Commission:
North Carolina members, appointment and removal; powers, duties, etc. 1253

Atlantic States Marine Fisheries Compact:
North Carolina participation with other states authorized 1253

Attested Writings:
Proof of, law amended 925

Attorney General—See under State Officials

Page

Attorneys at Law:
General:
Appointment of counsel for indigent defendants in capital cases 85
Execution sales, allowance of fees in proceedings 784
Exemption from law regulating insurance claim adjusters 1083
Fees in special proceedings to determine ownership of surplus proceeds from sale under power 802
Tort claims against State, approval of attorney's fees by Industrial Commission 1374

Local:
Raleigh, rights of Judge and prosecuting attorney of City Court to practice law 1272
Wayne County, fees for counsel appointed in capital cases, law amended 531

Attorneys-in-Fact:
Acknowledgment and execution of instruments by, law amended 54

Aulander, Town of:
Appropriations and tax levy for supplemental salaries for deputies sheriff, authorized 482
Tax levies and tax sales, validated; limitation of time for actions on tax liens 555

Aurora, Town of:
Recorder's Court, authority of Beaufort County Commissioners to fix salary of judge 1358

Automobile Driver's License Act:
Amendments 346, 588, 589, 940, 1175, 1315

Automobiles—See Motor Vehicles

Avery County:
Banner Elk Township, provisions for voting by Seventh Day Adventists 1028
Boards of County Commissioners and Education, quarterly publication of receipts and expenditures 954
Jurors, fees and travel allowances 449
Pool rooms and billiard parlors, Act permitting operation of 1573
Public drunkenness, penalty for 1005
School teachers, Act relating to employment of relatives of school committeemen repealed 306

Aviation—See Airports and Aircraft

Aycock, Charles B., Memorial Commission:
Creation; appointment of members; powers, etc. 1160

Page

B

Bad Checks:
Beaufort County, bad check law amended to apply to county 309
Jones County, punishment for issuance of worthless check 151
Pitt County, jurisdiction of County Court over bad check cases 62

Bakeries:
Bread, establishment of standard loaf 1143
Products containing souvenirs, etc., regulated; grain cereals packed in used containers, prohibited 1114

Banks and Banking:
Cashiers' checks for transmission of funds to Commissioner of Revenue, charges regulated 1441
Checks, payment by drawee bank deemed conditional, unless accepted or certified; exceptions 1079
Checks required of bidders on public contracts, banks eligible to make certification 222
Industrial banks, law amended as to loans and discounts; advance deduction of interest 1077
Instruments lost in process of collection, substitution of photostatic copies 927
Negotiable instrument payable to bearer, definition 1078
Unclaimed bank deposits, escheat of, law amended 1230

Bath, Town of:
Corporate limits extended 55

Bay Rum:
Moore County, regulation of sale of bay rum; punishment for law violations 462
Rockingham County, sale of bay rum for beverage purposes prohibited 102

Beaufort County:
"Army" and "Navy", county exempt from law prohibiting commercial use of names 968
Bad check law, amended to apply to county 309
Peace Officers' Relief Act 698
Recorders Courts:
Court clerks, regulation of salaries 316
Judges, salaries 1358
Prosecuting attorney, Belhaven Court, compensation 638
Schedule of costs, criminal cases 232
Register of Deeds, schedule of fees for certain instruments 337

Page

Beaufort County—(Continued)
Roanoke Christian Service Camp, dance halls and sale of alcoholic beverages prohibited in vicinity of 1211
Surplus funds collected for special purposes prior to 1947, transfer to debt service fund 257

Beaufort, Town of:
Mayor, compensation 846

Bedding, Manufacture of:
Regulatory Act amended as to price of stamps 645

Beer—See Alcoholic Beverages

Belhaven, Town of:
Recorder's Court:
Compensation of prosecuting attorney 638
Salary of judge 1358

Belmont, City of:
Harwell, Harry C., investigation and payment of claim 1676
Recorder's Court, law relating to establishment 978

Benson, Town of:
Mayor's Court, disbursements of court costs; compensation of town officials 1144

Bertie County:
ABC store profits, allocation of share to municipalities 480
Beer and wine licenses, issuance of 1219
County Farm, compensation of members of board of directors 700
Deputies sheriff, payment of supplemental salaries by Colerain and Aulander, authorized 482
District and County Boards of Health, compensation of members 700
Jurors, fees and travel allowances 913
Act repealed 1039
Riverside school property, conveyance to Riverside Baptist Church, validated 554
Tax levies and sales for certain years validated 836
Veterans of Foreign Wars, appropriation for payment on club building, authorized 481

Bessemer City:
Sale of certain real property authorized; disposition of proceeds 234

Bessemer Sanitary District:
Election on merger and consolidation into City of Greensboro 1680

Page

Billiard Parlors:

Avery County, Act permitting operation of billiard parlors 1573
Davie County, Clarkville Township, Sunday operations regulated 548

Bills and Notes:

Checks, payment by drawee bank, deemed conditional, unless accepted or certified; exceptions 1079
Industrial banks, powers as to loans and discounts; advance deduction of interest 1077
Negotiable instrument payable to bearer, definition 1078

Bingo, Game of:

Dare County, playing or operation of game made lawful; license tax prescribed 1067
Edgecombe, Guilford and Pitt Counties, regulatory law made applicable to 563
Halifax County, playing or operating game in connection with certain fairs, etc., made lawful 1072

Birds:

Fayetteville, bird sanctuary 847
Morehead City, bird sanctuary 833

Birth Certificates:

Adopted child of foreign birth, certificate of identification 134
Certification of copies of records containing limited data complete record available for official uses 134
Non-residents, copies of birth certificates, transmittal to county of residence 101

Bladen County:

Board of Education, election of members; nomination of candidates by districts 1357
Juvenile Court, compensation of Clerk of Superior Court as Judge 1142
Local registrars of vital statistics, fees 476
Professional bondsmen, taxation and regulation of 613
Register of Deeds, election and term of office 946

Blind Persons:

Income tax, additional exemption 1429
State School for Blind and Deaf at Raleigh:
Expenditures for out-of-State facilities 501
Payment of costs by persons admitted 1230
White canes, use by other than blind persons prohibited; right of way granted to lawful users 303

Blood Tests:

Competency of evidence in civil and criminal actions 45

Page

"Blue" Laws—See Sunday Observance

Board of Agriculture—State, See State Department of Agriculture under State Departments; County, see under particular County

Board of Conservation and Development—See Department of Conservation and Development under State Departments

Board of Education—State, see State Board of Education; County, see County Boards of Education and also under particular County

Boards—State, see particular board; See State Agencies and Administrative Boards; Local, see under particular county or municipality

Boards of Health—State, see State Board of Health; County, see under particular County

Boards of Welfare—State, see State Board of Charities and Public Welfare; County, see under particular County

Bonds—See Bonds and Notes; see Surety Bonds

Bonds and Notes:

General:

Bond elections, result determined by majority of those voting 492

County Finance Act, amended; extension of time for issuance of bonds 155

County Hospital Act, amended as to election requirements 326

General Fund Bond Sinking Fund Act, retirement of bonds for World War Veterans loans 674

Hospitals and facilities, issuance of bonds for, by hospital districts 870

Investment of bond proceeds pending use 968

Local Government Act, scope defined 1054

Local Government Commission, approval of bond issues 1252

Municipal Finance Act, amended; extension of time for issuance of bonds 155

N. C. State College:

Bonds for construction of alumni memorial building authorized 1204

Bonds for enlargement of athletic stadium authorized 1206

Non-profit hospitals, bond issues by cities and counties for construction and operation 876

Public libraries, County Finance Act amended to authorize bonds for library purposes 322, 1664

Revenue Bond Act of 1938, amended 1244

Sanitary Districts, law amended as to issuance of bonds 988

School bond elections, law amended to conform with State Constitution 1176

Page

Bonds and Notes—(Continued)
General—(Continued)
School Plant Construction, Improvement and Repair Fund bonds, authorized, subject to election 1155, 1628
Secondary Road Bond Act of 1949 1629, 1649
Sewage disposal systems, issuance of bonds by municipalities for financing 1542
State Ports Bond Act of 1949 929
Tar River Port Commission, law amended as to issuance of revenue bonds, etc. 1560
Local:
Angier, street improvement bonds, proceedings validated 839
Asheville, authorized provisions of water bond ordinances as to security and remedies of bondholders 1048
Camden County, election on bond issue for construction of administrative building 283
Charlotte:
Public library purposes, special election as to bond issue 1178
Revenue bonds for recreation facilities authorized; rights of bondholders 1181
Chowan County, school building bonds, temporary investment of proceeds, authorized 962
Cleveland County:
Hospital bonds, investment of proceeds 418
School building bonds, investment of proceeds of sale 221
School building bonds, issuance of, law amended 1544
Columbus County:
Extension of time for issuance of certain bonds 1117
Unissued school building bonds, reallocation of portion of proceeds for similar uses 1069
Craven County:
Law relating to bonds for school purposes, made applicable to county 1383
School building bonds, issuance authorized; exemption from debt limitation of general law 1384
School Districts, Act relating to creation of, amended to apply to county 315
Davidson County, bond issue for school purposes authorized 411
Durham (City), temporary investment of proceeds from bonds and notes 177
East Spencer, bond issues authorized 514, 519
Franklin County, Bonds of certain townships validated; refunding bonds authorized 332

Page

Bonds and Notes—(Continued)
Local—(Continued)
Greensboro, investment of proceeds of bond sales 850
Greenville, Tar River Port Commission, issuance of bonds or notes, approval by city 1560
Halifax County, school plant facilities, bond issues for 344
Johnston County:
Micro School District, election on school building bonds and special tax levy 904
School sinking fund securities, etc., surrender by Board of Education to County Treasurer 868
Jones County, Board of Education, authority to use surplus debt service funds for other purposes 553
Mecklenburg County, Public Library purposes, special election on bond issue 1178
Morehead City Port Commission, issuance and sale of refunding bonds 97
Newport, placed under Municipal Finance Act 87
Pender County, law relating to issuance of bonds repealed 156
Pitt County:
Tar River Port Commission, issuance of bonds or notes, approval by county 1560
Transfer of surplus road bond funds to certain school districts authorized 324
Raleigh:
Charter rewritten, including provisions relating to issuance of bonds and notes 1442, 1510
Public Improvement Bonds, expenditure of certain proceeds for fire equipment other than that specified 447
Rocky Mount City Administrative School Unit, election on issuance of school building bonds 675
Southern Pines:
Acceptance of second lien security for Country Club debt authorized 37
Expenditure of proceeds of sale of certain bonds 250
Southern Pines School District, special election on issuance of school building bonds 13
Transylvania County, Rosman Elementary School Building, contract for construction authorized 318
Vance County, Townesville township bonds, validated; refunding bonds authorized 888
Vass, water bonds, validated; refunding bonds authorized 1389
Wallace, authority to issue bonds 608

Page

Bonds and Notes—(Continued)
Local—(Continued)
Walnut Cove, extension of time for issuance of certain bonds 1117
Wayne County:
Mount Olive Elementary School plant, transfer of bond funds to new construction project, validated 573
Transfer of bonds proceeds for constructing elementary school plant in Goldsboro, validated 650

Bonds of Public Officials—See Surety Bonds

Bondsmen—See Professional Bondsmen

Booneville, Town of:
General municipal law made applicable to 331

Boxing and Wrestling Commission:
Cherokee County, creation of 245

Bread:
Bakery products containing souvenirs, etc., prohibited 1114
Standard loaf established 1143

Breeding of Horses:
Pasquotank County, Agricultural and Breeders' Association Commission, created; promotion and regulation of horse racing; subject to election 1064

Brevard, Town of:
New registration of voters, authorized 963

Broadway, Town of:
Charter amended; corporate limits extended; number of town commissioners increased 898

Brunswick County:
Board of Education, membership; nomination of candidates 1008
County Auditor, employment of clerical assistant; compensation 464
Oyster beds, law relating to leases; limitation of time for filing protest to leases 1174
Southport White School District, supplement tax levy, election on 315

Budget Appropriation Act of 1949—See Appropriation Act of 1949

Budget Bureau:
Authority over employment, salaries, etc., of State employees, transferred to State personnel director 754, 755, 1430
Salary increases for teachers and State employees, 1948-49, duties of Director of Budget 187, 314, 952

Page

Budget, Director of—See Director of Budget under State Officials

Budget Revenue Act—See Revenue Act of 1949

Building Code:

Building permits, law relating to issuance by municipal corporations, amended 1060

Building Contracts—See also Contracts and Purchases

Law regulating public building contracts, amended; application limited to contracts involving $15,000 or more 1359

Buncombe County:

Asheville ABC law enforcement officers, jurisdiction; cooperation with sheriff 880

Commissioner of Highways, title changed to Commissioner of Public Utilities; compensation 475

Constable of Asheville Township, compensation 644

Coroner, schedule of fees 1036

Court reporter for Superior Court, charges for transcripts regulated 1202

Deputies sheriff, compensation 891

Sheriff, schedule of fees 889

Tax scroll, law relating to, amended 1650

Taxes, listing of certain delinquent taxes, law amended 1650

Burial Association Commissioner—See under State Officials

Burial Associations:

Law relating to operation of Mutual Burial Associations, amended; assessments for supervision expense 170

Burke County:

Delinquent taxes, allocation of to general fund 251

Quadrennial revaluation of property, special tax levy for payment of expenses 1180

Burnsville, Town of:

Corporate limits, change in description 65

Bus Act of 1949 1325

Amended 1677

Busses—See Motor Vehicles; see School Busses

Butner, Camp—See Camp Butner

C

Cabarrus County:

Clerk of Superior Court, record of oaths of sanitary inspectors 1001

Page

Cabarrus—(Continued)
County Treasurer, compensation 1436

Caldwell County:
Public drunkenness, punishment 1394
Recorder's Court, appointment of Vice-Recorder authorized 1523
Superior Court terms 455

Calendar:
Calendar of criminal cases in Superior Court 141

Calypso, Town of:
Limitation of rate of taxation, law amended 281

Camden County:
Clerk of Superior Court and deputies sheriff, compensation 209
Delinquent tax collections, appropriation to general fund 38
Election on bond issue for construction of county administrative building 283
Marriage licenses, county exempt from Act regulating issuance to non-residents of State 52
Register of Deeds, fee for recording chattel mortgage 295

Camp Butner:
Buildings, construction and repair by N. C. Hospitals Board of Control, legal procedure 1563
Motor Vehicle Laws of State, application to streets and grounds 58
"PW" Camp, conversion and use as prison for youthful offenders 259
Surplus real property, authority for disposition by Hospitals Board of Control 58

Campbell, P. C.:
Justice of the Peace, official acts validated 22

Cancer Clinics:
Standards of State Board of Health, law amended 1231

Cancer Control Program:
Reporting of cancer cases to public health officers 495

Canton, Town of:
Uncollected ad valorem and poll taxes for certain years, abatement of 88

Carnivals:
Gibsonville, regulation of 634
Graham County, prohibited 1003
Harnett County, power to prohibit carnivals and similar amusements 85

Page

Carnivals—(Continued)
Haywood County, prohibited 1003
Vance County, exemption of certain war veterans organizations from regulatory law 181

Carolina Beach, Town of:
City Manager form of government, election on question of adopting 658
Notice of claims, prerequisites for institution of action against town 1653
Tax levy and appropriations for advertisement and development of town, subject to referendum 279

Carriers:
Bus Act of 1949 1325
Amended 1677
Contract hauler vehicles, definition of, law amended 1679
Equipment required on semi-trailers 1533
Weight of vehicles and load, law rewritten 1534

Carteret County:
Board of Education, lease of school property for recreational purposes 305
Clerk Superior Court, handling of small sums due intestates 20
Cherry Point Marine Corps Air Station Zoning Commission, creation, powers, area of jurisdiction 457
Salaries of C. S. C., sheriff, and register of deeds 1072
Wine and beer, sale in certain areas prohibited 1007

Cary, Town of:
Recorder's Court of Cary, Meredith and House Creek Townships created 1011

Caswell County:
Amplifying systems, regulation of 529
Board of Education:
Nomination and election of members; terms; compensation 552, 1227
Publication of quarterly reports of expenditures 358
Clerk of Superior Court, fees in abandonment and non-support cases 970
County Accountant, compensation 529
Court costs, jail fees in criminal cases 739
Fish, sale of fish from private ponds by owners 1663
Office hours of certain officials 1138
Old Pelham Graded School lot, sale by Board of Education authorized 81

Page

Caswell County—(Continued)
Recorder's Court, trial by jury; jury fees 229
Register of Deeds, office hours and schedule of fees 39
Registrars of Vital Statistics, fees of 240
Sheriff, compensation 1224

Catawba County:
Clerk of Superior Court, advance court costs 412
Delinquent tax collections payable to general fund account 75
Justices of the Peace, fees of 319
Newton, ABC stores, election on establishment of: allocation of profits 1659
Sheriff, deputies, and constables, schedule of fees 153
Sunday work, law amended to exempt county 1312
Superior Court, terms of 1320

Cattle:
Highway signs for protection at crossings 923

Cement:
Governor authorized to appoint commission to study advisability of state-owned cement plant 697

Cemeteries:
General:
Gravestones, inscriptions charging commission of a crime prohibited 1234

Local:
Haywood County and Waynesville, memorial association for veterans' cemetery 105
Sanford, Cemetery Commission, creation of 440

Census Laws:
Farm census surveys, procedure; compensation to counties 1666
Jacksonville, population of town fixed; construction of census laws 557

Chadbourn, Town of:
ABC stores, election on establishment of; allocation of profits 1379

Chapel Hill, Town of:
City School Administrative Unit, levy and collection of school taxes transferred to Orange County 1046
Recorder's Court, transfer of cases to Superior Court upon demand for jury trial 247
Zoning powers extended beyond corporate limits 640

Page

Charcoal:
Regulation of sales; weighing standards; testing of scales 969

Charities and Charitable Organizations—See Public Welfare

Charlotte, City of:
Charter amended as to corporate powers; duties of city clerk; contracts and purchases; etc. 561
City School Administrative Unit, authority to establish and operate Community College System 894
Civil Service Act; removal or suspension of employees of police and fire departments 329
Corporate limits redefined 618
Easements, rights-of-way, power to grant to railroad companies 1092
Election laws amended 620
Election on question of tax levies for Community College System 894
Firemen's Relief Fund, Act amended as to disbursements 834
Firemen's Retirement System, Act amended as to benefits and payments upon death 838
Municipal auditorium, law relating to special election authorizing construction, repealed 595
N. C. Local Government Employees' Retirement System, provision for withdrawal of law enforcement officers 1129
Public Library buildings, etc., special election on bond issue and tax levy 1178
Recreation facilities, authority to construct and operate; issuance of revenue bonds to finance costs 1181
Tax levy for park and recreation purposes, law authorizing election on question, repealed 596
Taxes, discounts for prepayments; payments at par 847

Charters of Cities and Town—See under particular City or Town

Chatham County:
Board of Commissioners, compensation 400
Certain tax sales validated 90
Justices of the Peace, schedule of fees 1032
Official acts of George H. Hancock as Justice of the Peace validated 22
School property, trespassing during certain hours and depredations, prohibited; punishment 958
State land near Moncure, State officials authorized to dispose of 1295
Taxes:
Certain delinquent collections allocated to General Fund 1679

Page

Chatham County—(Continued)
Taxes—(Continued)
Special levies for certain necessary purposes ... 947
Witness fees, certain unclaimed fees paid into general fund ... 1032

Chattel Mortgages—See also Conditional Sales; For local Acts see particular local unit
Sale of personal property; validity of encumbrances created in another State ... 1322

Checks—See Negotiable Instruments and Bad Checks

Cherokee County:
Board of Education, nomination and election of members ... 412
Board of Elections, conduct of Murphy municipal elections ... 242
Boxing and Wrestling Commission established; powers and duties ... 245
Clerk of Superior Court, salary ... 62
Delinquent tax collections for certain years, payable to general fund, exceptions ... 351
Law library, establishment of ... 1027
Grand jury, selection and terms; fees of jurors ... 152

Cherokee Historical Association, Incorporated:
Appropriation for developing dramatic production ... 1224

Cherry Point Marine Corps Air Station Zoning Commission:
Creation of commission; appointment of members; powers; jurisdiction ... 457

Cherryville, Town of:
City Manager form of government, election on ... 907
Election of Mayor, Board of Commissioners, and Town Clerk ... 150
Police officers, authority extended beyond corporate limits ... 684

Children—See also Minors
Abandonment of children by either parent, penalty for ... 919
Act to protect children born to parents marrying under minimum age ... 1161
Adoption law rewritten ... 264
Custody of children of parents divorced outside of State ... 1148
Disabled World War veterans, free tuition at State educational institutions for children of ... 1192
Premature births, notice to local health authorities by physicians or midwives; care of infants ... 485
Separating child under six months old from mother, certain cases unlawful ... 486

Chiropractors:
Law regulating practice and licensing, amended ... 892

Page

Chowan County:
County Commissioners, compensation ... 207
Damages by dogs, exemption of county from law prescribing liability ... 183
Edenton, sewerage system, extension of beyond corporate limits authorized ... 1571
Salary increases authorized for sheriff, treasurer, and officials of recorder's court ... 687
School building bonds, temporary investment of proceeds, authorized ... 962

Churches:
General:
Authority to obtain easements for electric, telephone, sewer or water lines; law amended ... 357
Local:
Carteret County, wine and beer, sale in the vicinity of certain church prohibited ... 1007
Craven County, wine and beer, sale in the vicinity of certain church prohibited ... 1007
Forsyth County, parking on church and school properties regulated ... 147
Johnston County, sale of alcoholic beverages and gambling near certain church prohibited ... 1145
Rocky Mount, adjustment of certain delinquent paving assessments authorized ... 104

Cities and Towns: (For Acts affecting an individual City or Town only, see under particular City or Town)
ABC employees, participation in Local Governmental Employees Retirement System ... 1152
ABC laws, provision for better enforcement of ... 1637
Agricultural products, tax valuation when held by stabilization and marketing associations ... 820
Aycock, Charles B., Memorial Commission, municipalities authorized to appropriate surplus funds to ... 1160
Boards of Adjustment, appointment of alternate members, law amended ... 1109
Bonds and Notes:
Application to Local Government Commission for approval of issuance ... 1252
Extension of time for issuance ... 155
Investment of proceeds pending use ... 968
Building permits, law relating to issuance, amended ... 1060

Page

Cities and Towns—(Continued)
City Administrative school units, insurance of public school property by State ... 1436
City busses, permanent license plates issued by State ... 588
City clerk, appointment of deputy by governing body authorized ... 18
Disabled veterans, motor vehicles donated by U. S. government, tax exemption ... 100
Domestic relations courts:
Establishment by two cities in same county meeting population prerequisites ... 1082
Population requirements for establishment, amended ... 417
Election of officials in newly incorporated municipality ... 1250
Elections and primaries, purchase and use of automatic voting machines, authorized ... 278
Elections on bond issues or tax levies, result determined by majority of those voting ... 492
Electric interurban railway companies, law as to operations over municipal streets, amended ... 491
Farm products for shipment in foreign commerce, in seaport towns, exemption from taxation ... 1662
Federal Social Security Act, participation by municipalities upon Congressional extension of Act to municipal employees ... 79
Fire Department Employees:
Certain heart diseases compensable under Workmen's Compensation Act ... 1239
Rights and immunities, while performing duties outside corporate limits ... 68
Firemen's Relief Fund, appointment of trustees, law amended ... 1211
Franchise tax on public service companies:
Limitation of tax by municipalities ... 381
State revenue allocations to municipalities ... 380
Housing Authorities, employees eligibility to participate in retirement system ... 198
Law Enforcement Officers' Benefit and Retirement Fund; amended as to payments ... 1213
Law enforcement officers, election as to membership in retirement systems ... 1149
License taxes:
Outdoor, drive-in theatres, limitations on taxes prescribed ... 378
Re-adoption of existing ordinance by reference ... 1060
Local Government Act, scope defined ... 1054
Malt beverages, regulation of sale and distribution ... 1099

Page

Cities and Towns—(Continued)
Motor vehicles, regulation of speed on streets not part of State Highway system 1073
N. C. Armory Commission, conveyances to State for armory purposes, Act amended 1226
N. C. League of Municipalities, eligibility of employees to participate in retirement system 198
N. C. State Firemen's Association, law as to value of property held by, amended 221
Non-profit hospitals, appropriations, tax levies, bond issues, for construction and operation 876
Powers, law amended to include maintenance of jails 1063
Privilege license taxes, readoption of existing ordinance by reference 1060
Public building contracts, law amended; application limited to contracts involving $15,000 or more 1359
Public libraries:
Limitation on special tax levy for library purposes increased 322
Power of municipality to support libraries 321
Purchase contracts, banks qualified to certify checks accompanying bids 222
Recreation Enabling Law, amendments to 1529
Revenue Bond Act of 1938, amended 1244
School districts, laws relating to special elections amended 1044
School funds, administration of 1245
Schools, City Administrative Units, creation of, in contiguous portions of two or more counties 610
Sewage disposal systems, issuance of revenue bonds for construction of 1542
Smoke abatement, municipal powers restricted as to regulation of coal burning railroad locomotives 600
Streets and bridges, State-maintained, relief from liability for civil damages with respect to 971
Streets, corporate powers as to closing of, amended 1537
Toll roads, organization of municipal corporations for purpose of constructing and operating 1162
Voting machines, purchase of, authorized 278
Workmen's Compensation Act:
Coverage of employees engaged in duties outside limits 396
Firemen, certain heart diseases compensable as occupational disease 1239
Zoning, joint functioning between municipalities and sanitary districts, authorized 1385

Page

City Clerk—See under particular City or Town

City Courts—See Municipal Courts

City Manager Form of Government:

Ahoskie, election on adoption of form 335

Carolina Beach, election on adoption of form 658

Cherryville, election on adoption of form 907

Concord, election on adoption of form, authorized 488

Dunn, election on adoption of form 564

Elizabeth City, performance of interim duties of city manager by mayor 502

Monroe, authority to appoint City Manager; powers and duties defined 652

Mooresville, election on adoption of form 438

Newton, special election on adoption of form 69

Oxford, election on adoption of form 185

Raleigh, charter rewritten to conform to City Manager form of government 1442

Roanoke Rapids, election on adoption of form 2

Sanford, election on appointment of City Manager; powers, duties, etc. 300

Winston-Salem, appointment of certain officers and employees by City Manager 27

Civil Procedure: (For local Acts, see under particular County, City or Town)

Administrator, nomination of, by person renouncing right to administer 24

Administrator's notices:

Law as to publication of, amended 43

Not required in certain cases 52

Adoption of minors, law rewritten; procedure defined 264

Annulment of marriage of persons under minimum age, effect of wife's pregnancy or birth of child 1161

Answer:

Time for filing after judgment overruling demurrer 1098

Time for filing when complaint served after issuance of summons 1307

Blood tests, authority of court to order; competency as evidence 45

Civil actions, arising out-of-state, all parties non-resident, power of court to dismiss 696

Complaint, service of, when filed after issuance of summons; time for answer 1307

Condemnation of rights-of-way by Highway Commission, time limitation on actions for damages 1309

Page

Civil Procedure—(Continued)

Confidential information acquired by officials in conciliation of labor disputes, disclosure prohibited 694

Creditors, law as to publication of administrators' notices, amended 43

Custody of children of parents divorced outside of State 1148

Death of party to civil action, law relating to procedure, amended 42

Deficiency judgments, authorized in certain cases involving conditional sales contracts 967

Demurrers, hearing out of term 111

Depositions of persons in civilian service of U. S. abroad 972

Divorce and alimony, residence requirements amended; jurisdiction of actions 227

Divorce on grounds of insanity, law amended 228

Divorce proceedings, residence requirements amended 414

Domestic Relations Courts, transfer of certain cases to 613

Exception to adverse ruling upon objection to admission of evidence, not required 113

Execution sales, regulations and procedure 757, 775

Federal courts, procedure upon removal from or remand to State courts 917

Final accounts, immediate settlement of estates authorized in certain instances 53

Foreclosure sales, under power of sale, regulations and procedure 788

Foreign guardian, removal of ward's personalty 220

Future interests, disposition of property held by a "class", when membership in class subject to increase 920

Guardians:

Appointment of ancillary guardian for non-resident ward having real property in State 1116

Sale of ward's estate in county in which guardian does not reside 821

Injunction proceedings for enforcement of sanitary regulations under Cosmetic Art Act 500

Insane persons:

Examination and commitment to private hospitals, law amended 1219

Proceedings for restoration of sanity and discharge of guardian 92

Judge's charge to jury, duties of judge defined 82

Judgment; defense after judgment on substituted service, annulment actions excepted 222

Judicial sales, regulations and procedure 757

Juvenile Court, law relating to appeals from, amended 1106

Page

Civil Procedure—(Continued)

Limitations, time limited for bringing actions contesting elections held under hospital facilities Act ... 873

Lis pendens, filing of notice; cancellation ... 224

Missing persons, administration proceedings; limitations of actions against distributees, etc. ... 583

Motions to strike, hearings out of term ... 110

Neighborhood public roads, proceedings to establish, alter or discontinue, law amended ... 1545

North Carolina Utilities Commission Procedure Act of 1949 ... 1118

Partition proceedings:

Clerk of Superior Court authorized to extend time for filing report ... 19

Compensation of commissioners ... 1106

Sale of standing timber, law relating to, amended ... 33

Pre-trial hearings in civil cases ... 415

Prosecution bonds, counties exempted from requirements in civil actions ... 46

Sanitary Districts, civil remedies authorized for enforcement of regulations ... 1356

Summary ejectment proceedings, law amended as to appeals to Superior Court ... 1399

Summons by publication:

Actions for annulment of marriage ... 66

Law amended as to newspaper charges; Nash County exception ... 173

U. S. Courts, procedure upon removal from or remand to State courts ... 917

Civil Service Laws:

General:

State personnel department, personnel council, establishment, powers, duties; regulation of personnel practices ... 747, 1430

Local:

Charlotte, procedure for removal or suspension of employees of police or fire department ... 329

Fayetteville, civil service laws relating to policemen and firemen, amended ... 855

Hickory, establishment of system by City Council ... 252

Lumberton, creation of personnel board; powers, duties, etc. ... 998

Claims:

General:

Adjustment of insurance claims, regulatory law amended ... 1083, 1572

Page

Claims—(Continued)
General—(Continued)
Claims against State Departments and Agencies:
Determination by Industrial Commission; claimants listed 1360
Additional claims 1570, 1676
License tax, Commissioner of Revenue authorized to pay refund claim of R. D. Jennings 1208
N. C. Sanitorium, Lenoir County authorized to appropriate funds to settle claims of 474
Local:
Carolina Beach, notice of claim prerequisite to action against town 1653
Lenoir County authorized to appropriate funds to settle claims of N. C. Sanitorium 474
New Hanover County law as to filing of accounts against county, amended 393
Thomasville, authority to reimburse persons entitled to funds stolen from police office 73

Clairvoyance:
Anson County, practice prohibited; punishment 1569
Mecklenburg County, practice prohibited; punishment 1059

Clarkville, Town of:
Pool and billiard rooms, operation within township during certain hours on Sunday prohibited 548

Clay County:
Clerk of Superior Court, compensation 196
County Accountant, compensation 196
Hayesville—Clay County Planning Board, creation authorized 397
Law Enforcement Officers, reference of intoxicating liquor cases to State Courts 95
Motor vehicles, Commissioner to furnish list for tax purposes 53
Tax sale certificates, rate of interest on certain certificates reduced 53

Clayton, Town of:
Mayor, commissioners and law enforcement officers, compensation; fees payable into general fund 982
Municipal court and police officers, jurisdiction extended 983
School committee, use of surplus funds for school lunch room 728

Clerks of Courts Inferior to Superior Courts—See also under Courts
Issuance of search warrants, law amended 1435

Page

Clerks of Superior Court:

General:

Administrator, nomination of, by person renouncing right to administer ... 24

Adoption of minors, law rewritten ... 264

Ancillary Guardian, appointment for non-resident wards having lands in State ... 1116

Assistant Register of Deeds, certificate of appointment recorded in office of Clerk of Superior Court ... 225

Attested writing, proof of, law amended ... 925

Bonds of administrators, executors, etc., law relating to, amended ... 1098

Commissioners in partition proceedings, compensation fixed by Clerk of the Superior Court ... 1106

Complaint, service when filed after issuance of summons; time for answer ... 1307

Constables, record of arrests filed with Clerk in certain counties ... 1652

Death of party to civil action, law as to procedure amended ... 42

Deceased teachers and other school employees, administration of final salary payments in certain cases ... 1177

Deeds with omission of order of registration by Clerk of Superior Court, validated ... 487

Deputy Clerks of Superior Court, prior acts in taking acknowledgments, etc., validated ... 1232

Domestic Relations Courts, transfer of cases to, law amended ... 613

Drainage districts:

Approval by clerk of superior court of levy of annual maintenance assessments ... 1546

Power of clerk of superior court to appoint commissioners 1081

Execution sales, regulations and procedure ... 757, 775

Foreign guardian, removal of ward's personalty ... 220

Future interests, disposition of property held by a "class", when possibility of increase in membership within class ... 920

Guardians, sale of ward's estate in county in which guardian does not reside ... 821

Indigent children and mental incompetents, payment of sums into court on behalf of ... 154

Indigent defendants in capital cases without counsel, duties of clerk of superior court ... 85

Inebriates, temporary confinement pending hearing ... 1110

Insane persons, jurisdiction of clerk in proceedings for discharge of guardian ... 92

Page

Clerks of Superior Court—(Continued)

General—(Continued)

Intestates, payment to clerk of certain sums due intestates; disposition ... 716

Judicial sales, regulations and procedure ... 757

Justices of the peace, vacancy appointments by clerk of superior court ... 1270

Juvenile court, law relating to appeals from, amended ... 1106

Leaves of absence, regulation of ... 91

Lis pendens, filing of notice; cancellation ... 224

Missing persons, procedure for administration of estates ... 583

Neighborhood public roads, proceedings to establish, alter or discontinue, law amended ... 1545

Oaths and acknowledgments, powers of clerk; prior acts validated ... 49

Partition Proceedings, extension of time for filing report by commissioners ... 19

Pre-trial dockets, maintenance of ... 415

Private hospitals for mentally disordered, examination and commitment, law amended ... 1219

Prosecution bonds, counties exempted from requirements in civil actions ... 46

Sales under power of sale, regulatory law, jurisdiction of clerk of superior court ... 788

Seized weapons, concealed, disposal, of after conviction ... 1548

State agencies and administrative boards, filing of certain rules and regulations with clerk of superior court ... 350

Warrants, execution without endorsements ... 140

Local: (For salaries and fees, see that topic)

Carteret County, payment to clerk of small sums due intestates 20

Caswell County, office hours ... 1138

Chatham County, certain unclaimed witness fees paid into general fund ... 1032

Cherokee County, clerk of superior court made librarian of county law library ... 1027

Columbus County, fees of clerk of superior court; maintenance of certain records prescribed ... 466

Durham County:

Appointment of assistant clerk and other employees ... 1134

Professional bondsmen to file schedule of financial condition ... 1023, 1574

Forsyth County:

Page

Clerks of Superior Court—(Continued)
Local—(Continued)
Forsyth County—(Continued)
Act relating to keeping, docketing, destruction, etc., of certain public records 1089
Photostating or photographing of records, authorized 567
Salary of clerk of superior court; continuation of special trust fund; investment of funds 470
Franklin County, advance court costs, law amended as to fees of clerk of superior court 374
Guilford County, duties with respect to probate of real estate subdivision plats 994
Halifax County, annual reports of clerk of superior court, period covered 375
Henderson County, clerk of superior court authorized to destroy records in certain tax foreclosure suits; maintenance of index 597
Jackson County, clerk of superior court constituted librarian for law library 1561
McDowell County, appointment of deputy clerk authorized 1033
Madison County, appointment of deputy clerk of superior court; salary 479
Mecklenburg County, professional bondsmen, statement of financial condition required 1221
Northampton County, payment of certain unclaimed fees to school fund 742
Richmond County, small sums due intestates, payment to clerk of superior court for administration 64
Rowan - Iredell County Drainage District No. 2, appointment of members 1668
Sampson County, small sums due intestates, handling by clerk of superior court 862
Surry County, acts of Carolyn V. Cooper, as deputy clerk of superior court or assistant clerk of superior court, validated 470
Transylvania County, advance payment of costs in divorce actions 11
Union County:
Employment of additional assistant to clerk of superior court, compensation 559
Reimbursement of clerk of superior court for sum expended for clerical assistance 560
Wake County:
Assistant clerks of superior court, authority for appointments 61

Page

Clerks of Superior Court—(Continued)
Local—(Continued)
Wake County—(Continued)
Authority for photostating, photographing records; disposal of inactive records 1293
Washington County, certain acts of deputy clerk of superior court validated 1566

Cleveland County:
Board of County Commissioners, compensation of chairman and members 1036
County hospital bonds, investment of proceeds 418
Ejectment proceedings, defendant's undertaking upon removal from J. P. to Recorder's Court 959
School building bonds:
Investment of proceeds of sale 221
Issuance of, law amended 1544
School property, trespass prohibited 531

Clinton, Town of:
ABC stores, election on question of establishment; use of profits 1166

Clyde, Town of:
Election and terms of office of certain officials 917

Coal:
Regulation of sales; weighing standards; testing of scales; weight certificates 969

Codification of Statutes:
Machinery Act, codification and printing 334
Revenue Act and amendments, codification and printing 390, 1433

Coke:
Regulation of sales; weighing standards; testing of scales; weight certificates 969

Colerain, Town of:
Appropriations and tax levy for supplemental salaries for deputies sheriff 482

Columbus County:
ABC stores for certain towns in county, law authorizing referendum; inoperative upon call of county election 1379
Agricultural products exempted from ad valorem taxes 644
Bolton Precinct, provisions for voting by Seventh Day Adventists 1028
Bureau of identification, establishment; appointment of expert, salary, etc. 468
Clerk of Superior Court, fees fixed; maintenance of certain records prescribed 466

Page

Columbus County—(Continued)

Columbus County Hospital, appointment and terms of trustees 467

Grand jurors, terms 468

Illegal possession of non-tax-paid liquors, punishment 454

Jailer's fees 410

Municipal ABC stores, participation in profits by county and schools, if stores established 1379

Probate and registration fees of clerk of superior court and register of deeds 1397

Recorder's Court, fees of clerk 466

Revolving fund created from proceeds of certain delinquent tax collections; appropriations to other funds 1185

Salaried deputies sheriff, limitation of number 472

Superior Court terms 472

Unissued school building bonds, reallocation of portion of proceeds for similar uses 1069

Columbus, Town of:

Bonds, extension of time for issuance of certain bonds 1117

Commission on Interstate Cooperation:

Atlantic States Marine Fisheries Commission, appointment of member 1253

Governor's Committee on Interstate Cooperation, membership, law amended 1226

Commissioners, County—See Counties: see also under particular County

Commissioners, State—See under State Officials

Commissioners, Town or City—See under Cities and Towns; also under particular City or Town

Commissions, County or Municipal—See under particular county or municipality

Commissions, State:

Advisory Budget Commission—See Title, Advisory Budget Commission

Atlantic States Marine Fisheries Commission, appointment and removal of North Carolina members; powers, duties, etc. 1253

Aycock, Charles B., Memorial Commission, creation; appointment of members; powers; etc. 1160

Banking Commission, membership; terms of office; compensation 345

Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped, establishment 1539

Commission on Interstate Cooperation, appointment of member to Atlantic States Marine Fisheries Commission 1253

Page

Commissions, State—(Continued)
Commission to study advisability of establishing State-owned cement plant, appointment by Governor 697
Employment Security Commission—See Title, Employment Security Commission
Highway and Public Works Commission—See State Departments
Industrial Commission—See Title, North Carolina Industrial Commission
Local Government Commission—See Title, Local Government Commission
Medical Care Commission—See Title, Medical Care
N. C. Aeronautics Commission, abolished 973
N. C. Armory Commission:
Conveyances to State for armory purposes, Act amended 1226
Unexpended appropriations to constitute permanent fund 1527
N. C. Communications Study Commission, creation of 1235
N. C. Wildlife Resources Commission, expenditure of funds derived from portion of license fees 1528
State Education Commission, continuation of public school system survey 1312
State Personnel Council, establishment, powers, duties, etc. 747, 1430
Utilities Commission—See Title, North Carolina Utilities Commission
Veterans Commission:
Membership 436
"Veterans organization" defined 435

Communications:
North Carolina Communications Study Commission, creation of 1235

Community College System:
Charlotte, City Administrative School Unit, authorized to establish system; election as to tax levies 894

Compensation—See Salaries and Fees

Compensation Laws—See Employment Security Law; Workmen's Compensation Law

Concealed Weapons:
Law against carrying of, rewritten; disposition of weapons after conviction 1548

Concord, City of:
Administration of school funds by Graded School Board 413
Board of Light and Water Commissioners, employment of sanitary inspectors 1001

Page

Concord, City of—(Continued)
City Manager form of government, election on adoption, authorized 488
Compensation of certain officials 349
Creation of new ward authorized; boundaries defined; election of alderman 490
Permanent street improvements, adoption of system authorized; provision for financing 569

Condemnation Proceedings:
General:
Municipal corporations organized to construct and operate toll roads, eminent domain powers 1162
Time limitation on actions for damages against Highway Commission 1309

Local:
Forest City, charter amended as to eminent domain proceedings 641
Greensboro, City School Administrative Unit, condemnation powers 367
Hickory, charter amended as to eminent domain powers 289
Raleigh, charter rewritten; condemnation powers 1442, 1457, 1497

Conditional Sales Contracts—See also Chattel Mortgages
Corporations, method of execution and form of probate 1557
Deficiency judgments, authorized in certain cases after exercising power of sale 967
Sale under power of sale, regulations and procedure 788

Confederate War Veterans:
Pensioners dying in State and local institutions, payment of burial expenses 1154
Pensions for disabled veterans, widows, and servants, law amended 1398
Widows and daughters, eligibility to Confederate Woman's Home 91

Confederate Woman's Home Association:
Eligibility for admission to Home 91

Conover, Town of:
Election of mayor and commissioners 149

Conservation and Development—See Department of Conservation and Development under State Departments

Constables—See under particular County

Constitution of North Carolina—See front of volume for Constitution and index

Page

Constitution of North Carolina—(Continued)
Proposed Amendments:
To amend Article I, Section 12, to permit waiver of indictment in certain criminal cases 581
To amend Article II, to safeguard funds of the Teachers' and State Employees' Retirement System 932
To amend Article II, Section 28, to increase salaries of members and presiding officers of General Assembly 1661
To amend Article IV, Section 10, as to election of Superior Court Judges 391
To amend Article IV, Section 11:
To empower legislature to define jurisdiction of Special Superior Court Judges 882, 1523
To permit assignment of Superior Court Judges by Chief Justice 882, 1523

Containers:
Grain cereals packed in used containers, prohibited 1115

Contractors:
Building permits, law relating to issuance by municipalities, amended 1060
Licensing Act, amended as to definition of "general contractor" 1062
State Highway and Public Works Commission projects, surplus material from grading made available to adjoining land owners 1234

Contracts and Purchases:
General:
Automatic voting machines, authority of counties and municipalities to purchase 278
Building contracts and procedure; application of law limited to contracts involving $15,000 or more 1359
N. C. Hospitals Board of Control, exemption from regulatory law as to certain building at Camp Butner 1563
Public purchases and construction contracts:
Application of law limited to contracts involving $15,000 or more 1359
Banks authorized to certify checks accompanying bids 222
State Division of Purchase and Contract, administration of surplus assets of inoperative boards 844

Local:
Charlotte, law amended as to letting of contracts and purchasing procedure 562
Duplin County, Board of Education, construction contracts exempt from Public Contracts law (G. S. 143, Art. 8) 285

Page

Contracts and Purchases—(Continued)
Local—(Continued)
Edgecombe County Drainage District No. 2, authority to do construction and maintenance work with own forces 579
Franklin County, law amended as to school building construction 194
Greensboro, procedure for letting of public contracts, law amended 446
Guilford County, procedure for letting public contracts, law amended 446
Raleigh, procedure for purchases and contracts, charter provisions 1442, 1484
Red Springs, purchasing procedure 1644
Wayne County, law amended as to school building construction 194

Contracts, Conditional Sales—See Conditional Sales Contracts

Conveyances—See Deeds and Conveyances

Convicts—See Prisons and Prisoners

Conway, Town of:
Municipal law enforcement officers, powers extended beyond corporate limits 860

Cooper, Carolyn V.:
Acts as deputy clerk or assistant clerk of superior court, Surry County, validated 470

Cooperative Agricultural Extension Service:
Membership of employees in Teachers' and State Employees Retirement System 1216

Cooperatives:
Income Tax exemptions 382
Mutual housing associations, non-profit corporations, for veterans' low-rent projects, organization authorized 1195

Coroners—See under particular County

Corporate Limits:
Aberdeen, extension validated 50
Bath, limits extended 55
Broadway, limits extended 898
Burnsville, change in description of boundaries 65
Charlotte, limits redefined 618
Deep Run, limits defined; incorporation subject to election 1093
East Spencer, limits defined 515

Page

Corporate Limits—(Continued)
Fairmont, limits extended 912
Franklin, limits extended 96
Gaston, limits defined 1393
Greensboro:
Extension election 1680
Limits extended 1085
Hayesville, extension of limits 1021
Leaksville, limits extended 433
Lumberton, extension election 1190
Monroe, limits extended and redefined 652
Morrisville, limits redefined 651
Newton, limits redefined 82
Pink Hill, limits extended and redefined 1092
Raleigh, limits defined 1442
Red Springs, limits defined 1640
Rockingham, limits redefined 168
Roper, limits redefined 621
Sanford, limits extended 599
Shallotte, extension election 5
Siler City, limits extended 332
Surf City, limits defined 506
Wallace, limits defined 602
Waynesville, limits extended 285
Winston-Salem, limits redefined 114

Corporations:
Banking corporations—See Banks and Banking
Capital stock, law relating to decrease of, amended 1075
Conditional sales contracts, chattel mortgages, etc., execution and form of probate 1557
Confederate Woman's Home Association, corporate existence extended 91
Conveyances where corporate seal omitted, validated 442
Directors, law requiring directors to be stockholders amended 1044
Dissolved corporations, certain conveyances validated 940
Dissolved foreign corporations, certain conveyances of, validated 1541
Non-profit cooperative housing corporations, organization authorized, for veterans' low-rent projects 1195
Stock certificates, facsimile signatures of officers authorized 918
Stock, creation of shares without nominal or par value law amended 1057

Page

Corporations—(Continued)
Trustee under will, eligibility of corporation whose stockholders witnessed will ... 41

Correctional Institutions—See State Institutions

Corrupt Practices Act:
County Boards of Elections, limitation of partisan activities of members ... 693
Public officials convicted of violations, removal from office, eligibility for public office thereafter ... 499

Cosmetic Art Act:
Injunction proceedings authorized for enforcement of sanitary regulations ... 500
Regulations, willful violation made misdemeanor ... 500

Cosmetics:
N. C. Food, Drug and Cosmetic Act, amended as to misbranding ... 343

Costs—See also Salaries and Fees
Beaufort County, Recorders' Courts, bill of costs in criminal actions 232
Caswell County, jail fees taxed as court costs in criminal cases ... 739
Catawba County:
Justices of the Peace, schedule of fees ... 319
Superior Court, advance court costs, law amended ... 412
Chatham County, Justices of the Peace, schedule of fees ... 1032
Cherokee County, fees taxed as costs for maintenance of law library ... 1027
Columbus County, fees of clerk of superior court and of Recorder's Court clerk ... 466
Creedmoor, jail fees as to prisoners held in town jail, included in bills of costs ... 394
Cumberland County, clerk of superior court, schedule of costs in civil and criminal cases ... 956
Davidson County, Justices of the Peace, bill of costs, civil and criminal cases ... 660
Dunn, Recorder's Court, fees for jury trial ... 1140
Durham County, Justices of the Peace, schedule of fees and costs ... 291
Edgecombe County, additional trial fees of Justices of the Peace ... 685
Franklin County:
Advance court costs, law relating to payment, amended ... 374
Clerk of superior court, schedule of fees and costs ... 299
Justices of the Peace, schedule of fees ... 223
Granville County, schedule of fees of Justices of the Peace, civil and criminal cases ... 395

Page

Costs—(Continued)
Greensboro, Municipal-County Court, costs in criminal cases 717
Guilford County:
Justices of the Peace, law amended as to schedule of fees 469
Superior Court, costs of court 719
Halifax County, law enforcement officers' relief fund, fee taxed as costs in criminal cases 1193
Harnett County, clerk of superior court, schedule of costs in civil and criminal cases 956
Hoke County, clerk of superior court, schedule of costs in civil and criminal cases 956
Jackson County:
Justices of the Peace, schedule of fees 219
Law library fee, taxed as costs in all courts of county 1561
Moore County, Justices of the Peace, schedule of fees 1139
Nash County, Justices of the Peace, schedule of fees 617
Pasquotank County Recorder's Court:
Bill of costs in criminal actions 204, 909
Fees of prosecuting attorney and trial justice 909
Polk County, schedule of costs in J. P. courts 834
Raleigh, City Court, bill of costs 1279
Richmond County, Justices of the Peace, schedule of fees and costs 460
Robeson County:
Justices of the Peace, schedule of fees 632, 1038
Recorder's courts, uniform schedule of costs 294
Superior Court, schedule of costs 1517
Rutherford County, costs in recorder's court 914
Scotland County:
Costs and fees in criminal court 983
Recorder's Court, certain fees taxed as costs 1029
Scotland Neck, jail fees taxed as costs in criminal cases 642
Stanly County, clerk of superior court, schedule of fees and commissions 400
Statesville, Mayor's Court, additional fee taxed in criminal cases 710
Stokes County, Justices of the Peace, costs in civil and criminal cases 590
Transylvania County, advance payment of costs in actions for divorce 11
Wake County, costs in Recorder's Court of Cary, Meredith and House Creek Townships 1018
Whitakers, Mayor's Court, patrol car fee taxed as costs in criminal cases 406

Page

Cotton Gins:

Numbering of bales by public ginneries; registration of cotton received 939

Council of State:

Approval of conveyance of certain land to Shaw University 172

Approval required for disposal of lands in Chatham County near Moncure 1295

Surplus State Funds, approval of investments by Treasurer and Governor 179

Councilmen—See under particular City or Town

Counties: (For Acts affecting individual counties only, see under particular County)

ABC employees, participation in Local Governmental Employees' Retirement System 1152

ABC laws, provisions for better enforcement of 1637

Ad valorem taxes, listing by taxpayer doing business and having property in several counties 1058

Agricultural products, valuation for taxation when held by stabilization and marketing associations 820

Agricultural societies, Act relating to, amended 945

Aycock, Charles B., Memorial Commission, counties authorized to appropriate surplus funds to 1160

Beer and other malt beverages, regulation of sale and distribution .. 1099

Boards of Education:

Biennial appointment of members 1423

Boards of Elections:

Limitations as to partisan activities of members 693

Registration of voters, law relating to, amended 1040

Bond proceeds, investment pending use 968

Bonds and notes:

Application to Local Government Commission for approval of issuance 1252

Extension of time for issuance of bonds 155

Capital Reserve Act, amended as to expenditure of reserve funds; restrictions upon use; withdrawals 162

Disabled veterans, motor vehicles donated by U. S. Government, exemption from taxation 100

Domestic Relations Courts, establishment of; population requirements, law amended 417

Election laws, amendments 693

Elections and primaries, purchase and use of automatic voting machines, authorized 278

Page

Counties—(Continued)
Elections on bond issues or tax levies, determination of result 492
Employees of health and welfare departments, participation in Retirement System 1150
Farm census surveys, procedure for; compensation to counties 1666
Farm products for shipment in foreign commerce, tax exemption 1662
Firemen, certain heart diseases compensable under Workmen's Compensation Act 1239
General County Courts, law relating to, made applicable to certain counties and districts 1009
Health Departments:
Care of prematurely born infants 485
Hospital Act amended as to election requirements 326
Hospital districts, creation of; bond issues, tax levies, elections, etc. for hospitals and facilities 870
Justices of the Peace:
Act relating to appointment and removal; abolition of fee system; many counties exempt 1269
Biennial appointments 805-819
Amendments 1229, 1564, 1565, 1568, 1678
Law Enforcement Officers' Benefit and Retirement Fund, payments into fund 1213
Law enforcement officers, election as to membership in retirement systems 1149
Libraries:
Authority to issue bonds and levy taxes for library purposes 322, 1664
Buildings and equipment, expenditure of surplus funds for 1555
Establishment outside of incorporated cities or towns 321
Limitation on special tax levy for library purposes increased 322
Local Government Act, scope defined 1054
Local registrars of vital statistics, law as to compensation, amended 282
Malt beverages, regulation of sale and distribution 1099
N. C. Armory Commission, conveyances to State for armory purposes, Act amended 1226
Neighborhood public roads, proceedings to establish, alter or discontinue, law amended 1545
Non-profit hospitals, appropriations, tax levies, bond issues, for construction and operation 876
Post-War Reserve Fund, transfer of funds by State to aid in construction and repair of school buildings 1628

Page

Counties—(Continued)

Prosecution bonds, counties exempted from requirements in civil actions 46

Public Building and Construction Contracts, application of law limited to contracts involving $15,000 or more 1359

Public purchases and construction contracts, banks eligible to certify checks accompanying bids 222

Quadrennial assessments for taxation, postponement authorized 83

Recreation Enabling Law, amendments to 1529

Regional library employees, participation in retirement system 1052

Revenue Bond Act of 1938, amended 1244

School Districts:

Creation of, in contiguous portions of two or more counties 610

Laws relating to special elections amended 1044

School funds, administration of 1245

School property, insurance by State 1436

Secondary Road Bond Act of 1949; allocation of proceeds among counties 1629

Soil Conservation Districts Law, amended; duties of County Supervisors 233

State aid for school plant construction and repair, authorized, subject to election 1155, 1628

Streets or roads outside municipalities, law as to closing, amended 1536

Taxes, relief of tax collector, etc., as to certain delinquent taxes 835

Veterans Service Officers, appropriation for supplements to county funds 1690

Vital statistics, compensation of local registrars 282

Voting machines, purchase authorized 278

Welfare:

General assistance to needy persons, allotment of State and federal funds 1186

Superintendent of Public Welfare, reports in connection with adoption proceedings 271

Workmen's Compensation Act, coverage of employees performing duties outside limits 396

County Accountant—See under particular County

County Auditor—See under particular County

County Boards of Education—See Schools and School Districts; for Acts affecting Boards of Individual counties only, see under particular County

Page

County Boards of Election—See Elections and Election Laws; for Acts affecting Boards of individual counties only, see under particular County

County Boards of Health—See Public Health; for Acts affecting Boards of individual counties only, see under particular County

County Boards of Public Welfare—See Public Welfare; for Acts affecting Boards of individual counties only, see under particular County

County Capital Reserve Act:

Amended as to expenditure of reserve funds; restrictions upon use; withdrawals 162

County Commissioners—See under Counties and under particular County

County Courts—Topic includes: General, Special, Civil, Criminal, and Municipal-County Courts; see Recorders' Courts under Courts General:

Act relating to general county courts made applicable to certain counties and districts 1009

Local:

Anson County, law amended as to jury trials in criminal county court 881

Davidson County:

Compensation of judge and solicitor 714

Issuance of process by certain police officials 1651

Greensboro, Act relating to municipal-county court 717

New Hanover, Assistant County Solicitor, appointment; compensation 392

Pasquotank County, salary of trial justice and prosecuting attorney, county criminal court 113

Pitt County, court given jurisdiction over worthless check cases 62

Rowan County, salaries of trial justice and prosecuting attorney 1390

Stanly County, salary of Judge and Solicitor; general county court 140

Surry County, law relating to, amended 1009

County Farm Agent—See under particular County

County Finance Act:

Amendments relating to bond issues for hospitals and facilities 870

Bond elections, result determined by majority of those voting 492

Extension of time for issuance of bonds 155

Public libraries, bond issue and tax levy for, authorized 322, 1664

Page

County Home Demonstration Agents—See under particular County

County Hospital Act:
Election requirements amended 326

County Officials—See under particular County

County Soil Conservation Committees:
Committeeman, title changed to Supervisor; duties 233

County Superintendent of Public Welfare—See Public Welfare; for Acts affecting Superintendents of individual counties only, see under particular County

County Surveyor—See under particular County

County Treasurer—See under particular County

Courts:
City Courts—See Municipal Courts
County Courts—Topic includes: General, Special, Civil, Criminal, and Municipal-County Courts; see Recorders' Courts
General:
Act relating to general county courts made applicable to certain counties and districts 1009
Local:
Anson County, law amended as to jury trials in criminal county court 881
Davidson County:
Compensation of judge and solicitor 714
Issuance of process by certain police officials 1651
Greensboro, Act relating to municipal-county court 717
New Hanover, Assistant County Solicitor, appointment; compensation 392
Pasquotank County, salary of trial justice and prosecuting attorney, county criminal court 113
Pitt County, court given jurisdiction over worthless check cases 62
Rowan County, salaries of trial justices and prosecuting attorney 1390
Stanly County, salary of Judge and Solicitor; general county court 140
Surry County, law relating to, amended 1009
Domestic Relations Court:
General:
Establishment of court by two cities in same county, meeting population prerequisites 1082
Population requirements for establishment, law amended 417

Page

Courts—(Continued)
Domestic Relations Courts—(Continued)
General—(Continued)
Transfer of cases from inferior criminal courts 613
Local:
Durham County, application of general law as to establishment of courts 310
Gaston County, application of general law as to establishment of courts 63
Guilford County, Act amended to apply to county 740
Mecklenburg County, appointment and salary of counselor for domestic relations and juvenile court 1074
Inferior Courts:
Issuance of search warrants by clerks, law amended 1435
Transfer of certain cases to domestic relations courts 613
Justices of the Peace:
General:
Act relating to appointment and removal; abolition of fee system; many counties exempt 1269
Biennial appointments 805-819
Act amended as to:
Currituck County 1678
McDowell County 1229
Pender County 1568
Washington County 1564
Wilkes County 1565
Campbell, P. C., official acts within certain period validated 22
Hancock, George H., official acts within certain period validated 22
McNeill, W. L., official acts within certain period validated 558
Turner, R. B., official acts within certain period validated 558
Warrants, execution without endorsements 140
Local:
Catawba County, fees of 319
Chatham County:
G. H. Hancock, acts validated 22
Schedule of fees 1032
Cleveland County, ejectment proceedings, defendant's undertaking upon removal to recorder's court 959
Davidson County, schedule of fees 660

Page

Courts—(Continued)
Justices of the Peace—(Continued)
Local—(Continued)
Durham County, schedule of fees, civil and criminal cases 291
Edgecombe County, additional fees 685
Franklin County, schedule of fees 223
Gaston County, bond required; functioning without bond, made misdemeanor 976
Granville County, schedule of fees, civil and criminal cases 395
Guilford County, law relating to fees amended 469
Jackson County, schedule of fees 219
Mitchell County, official acts of R. B. Turner and W. L. McNeill, as justices of the peace, validated 558
Moore County, schedule of fees 1139
Nash County, schedule of fees 617
Person County, schedule of fees in civil and criminal cases 159
Polk County, schedule of fees 834
Richmond County, schedule of fees; monthly reports to clerk of superior court 460
Robeson County, schedule of fees 632
Act amended 1038
Stokes County:
Fees of justices in civil and criminal cases 590
P. C. Campbell, acts validated 22
Surry County, issuance of warrants 1009
Union County, schedule of fees amended 307
Juvenile Courts:
General:
Appeal from judgment or order, law relating to, amended 1106
Jurisdiction over certain violations of motor vehicle laws amended 137
Local:
Bladen County, compensation of judge 1142
Greensboro, election of assistant judge of juvenile court 690
Guilford County, compensation of superior court clerk as juvenile court judge 201
Lenoir County, judge of juvenile court, compensation 146
Yadkin County, clerk of superior court to act as judge 138
Mayors' Courts:
Andrews, costs taxed for maintenance of law library 1027

Page

Courts—(Continued)
Mayors' Courts—(Continued)
Benson, disbursement of court costs 1144
Farmville, jurisdiction of Mayor's Court extended 93
Fayetteville, appointment of assistant judge 433
Gibsonville, jurisdiction of court extended 738
Hudson, appeals from Mayor's Court 432
Act repealed 1266
Middlesex, costs of court, law amended 1526
Murphy, costs taxed for maintenance of law library 1027
Smithfield, election on abolition of fee system 661
Statesville, appointment of assistant judge; bill of costs in criminal cases 710
Whitakers, patrol car fee taxed as part of court costs 406
Municipal Courts: (See also Recorder's Courts)
Clayton, jurisdiction of court extended beyond corporate limits 983
Greensboro, Act as to municipal county court, amended 717
Henderson, consolidation with Recorder's Court of Vance County 408
High Point:
Compensation of court officials 736
Officials authorized to issue criminal processes 737
New Bern, election on question of making municipal recorder an appointive officer 670
North Wilkesboro:
Appointment of judge of special court; salaries of court officials 1382
Salaries of judge and solicitor 1293
Raleigh, Act relating to City Court, rewritten 1272
Police Courts:
Asheville, compensation of officials; appointment of substitute judge 1169
Clyde, election and term of office of judge 917
Recorder's Courts:
Apex, salary and oath of judge of Recorder's Court 293
Aurora, salary of recorder 1358
Beaufort County:
Recorder's Court at Belhaven, compensation of prosecuting attorney 638
Salaries of clerks at Belhaven, Washington and Aurora 316
Schedule of costs in criminal actions; clerks to file report 232
Belhaven, salary of recorder 1358

Page

Courts—(Continued)
Recorder's Courts—(Continued)
Belmont, law relating to establishment of recorder's court, amended ... 978
Caldwell County, Vice-Recorder, appointment authorized ... 1523
Caswell County, trial by jury; jury fees ... 229
Chapel Hill, transfer of cases to superior court upon demand for jury trial ... 247
Chowan County, salaries of recorder's court officials ... 687
Columbus County, fees of clerk of Recorder's Court ... 466
Craven County, appointment of assistant clerk ... 715
Currituck County, County Recorder's Court established; jurisdiction; election and compensation of officers; etc. ... 237
Dunn:
Salaries of recorder and solicitor ... 1097
Trial by jury; office of Vice-Recorder abolished ... 1140
Durham County:
Change in record system of court authorized; disposition of old records ... 1095
Compensation of officials and employees ... 1135
Franklin County, law amended as to jurisdiction in divorce actions ... 852
Gates County, compensation of judge and other court officials ... 686
Granville County, appointment of associate judge ... 32
Halifax County, compensation of court officials; special terms in Roanoke Rapids ... 926
Harnett County:
Election of solicitor; compensation ... 975, 1675
Election of solicitor of Dunn recorder's court ... 855
Term of office of recorder's court judge ... 856
Hertford County, transfer of cases to Superior Court upon demand for jury trial ... 254
Lenoir County, law amended as to prosecuting attorney ... 1568
Lincoln County, appointment of assistant judge; powers, duties, compensation ... 254
Mecklenburg County, appointment of clerk of court; term, duties, bond, salary, etc. ... 1079
Monroe and Union County, schedule of fees ... 735
Moore County:
Jury trials; remand of cases from Superior Court ... 737
Salary of judge and solicitor ... 899
Pamlico County, salary of judge ... 1062

Page

Courts—(Continued)
Recorder's Courts—(Continued)
Pasquotank County:
Bill of costs in criminal actions 909
Fees of prosecuting attorney and trial justice 204, 909
Perquimans County, appointment of clerk of recorder's court; salary 1169
Pitt County, compensation of officials of Recorder's Court 398
Reidsville, issuance of criminal process; trial by jury, jury fees 235
Robeson County:
Jurisdiction of court amended 740
Uniform schedule of costs for recorder's courts 294
Rockingham County:
Leaksville Township Recorder's Court, salary of recorder and solicitor; jurisdiction extended; jury trials 84
Reidsville Recorder's Court, jurisdiction extended; jury trials 84
Rutherford County:
Disposition of unclaimed fees of jurors and witnesses 218
Issuance and execution of criminal processes; fees for issuance 914
Scotland County, schedule of costs and fees 1029
Surry County, territorial jurisdiction of Mt. Airy township recorder's court, extended 1088
Thomasville, jurisdiction of court amended 525
Thomasville Township Recorder's Court, criminal process issued by Thomasville police officials, returnable before 92
Union County:
Compensation of H. B. Smith for services as substitute recorder 34
Compensation of recorder and prosecuting attorney 843
Schedule of fees 735
Vance County, consolidation of municipal court of Henderson 408
Wake County:
Appropriations towards maintenance of certain recorder's courts, authorized 480
Middle Creek Township Recorder's Court, compensation of recorder 616
Recorder's Court of Cary, Meredith and House Creek Township created 1011
Washington:
Salary of recorder 1358
Term of judge of recorder's court 1287

Page

Courts—(Continued)
Superior Courts:
Clerks of Superior Court:
General:
Administrator, nomination of, by person renouncing right to administer 24
Adoption of minors, law rewritten 264
Ancillary Guardian, appointment for non-resident wards having lands in State 1116
Assistant Register of Deeds, certificate of appointment recorded in office of Clerk of Superior Court 225
Attested writing, proof of, law amended 925
Bonds of administrators, executors, etc., law relating to, amended 1098
Commissioners in partition proceedings, compensation fixed by clerk of the superior court 1106
Complaint, service when filed after issuance of summons; time for answer 1307
Constables, record of arrests filed with clerk in certain counties 1652
Death of party to civil action, law as to procedure amended 42
Deceased teachers and other school employees, administration of final salary payments in certain cases 1177
Deeds with omission of order of registration by clerk of superior court, validated 487
Deputy Clerks of superior court, prior acts in taking acknowledgments, etc., validated 1232
Domestic Relations Courts, transfer of cases to, law amended 613
Drainage districts:
Approval by clerk of superior court of levy of annual maintenance assessments 1546
Power of clerk of superior court to appoint commissioners 1081
Execution sales, regulations and procedure 757, 775
Foreign guardian, removal of ward's personalty 220
Future interests, disposition of property held by a "class", when possibility of increase in membership within class 920
Guardians, sale of ward's estate in county in which guardian does not reside 821

Page

Courts—(Continued)
Superior Courts—(Continued)
Clerks of Superior Court—(Continued)
General—(Continued)
Indigent children and mental incompetents, payment of sums into court on behalf of 154
Indigent defendants in capital cases without counsel, duties of clerk of superior court 85
Inebriates, temporary confinement pending hearing 1110
Insane persons, jurisdiction of clerk in proceedings for discharge of guardian 92
Intestates, payment to clerk of certain sums due intestates; disposition 716
Judicial sales, regulations and procedure 757
Justices of the peace, vacancy appointments by clerk of superior court 1270
Juvenile court, law relating to appeals from, amended 1106
Leaves of absence, regulation of 91
Lis pendens, filing of notice; cancellation 224
Missing persons, procedure for administration of estates 583
Neighborhood public roads, proceedings to establish, alter or discontinue, law amended 1545
Oaths and acknowledgments, powers of clerk; prior acts validated 49
Partition proceedings, extension of time for filing report by commissioners 19
Pre-trial dockets, maintenance of 415
Private hospitals for mentally disordered, examination and commitment, law amended 1219
Prosecution bonds, counties exempted from requirements in civil actions 46
Sales under power of sale, regulatory law, jurisdiction of clerk of superior court 788
Seized weapons, concealed, disposal of, after conviction 1548
State agencies and administrative boards, filing of certain rules and regulations with clerk of superior court 350
Warrants, execution without endorsements 140

Local: (For salaries and fees, see that topic)
Carteret County, payment to clerk of small sums due intestates 20

Page

Courts—(Continued)
Superior Courts—(Continued)
Clerks of Superior Court—(Continued)
Local—(Continued)
Caswell County, office hours 1138
Chatham County, certain unclaimed witness fees paid into general fund 1032
Cherokee County, clerk of superior court made librarian of county law library 1027
Columbus County, fees of clerk of superior court; maintenance of certain records prescribed 466
Durham County:
Appointment of assistant clerk and other employees 1134
Professional bondsmen to file schedule of financial condition 1023, 1574
Forsyth County:
Act relating to keeping, docketing, destruction, etc., of certain public records 1089
Photostating or photographing of records, authorized 567
Salary of clerk of superior court; continuation of special trust fund; investment of funds 470
Franklin County, advance court costs, law amended as to fees of clerk of superior court 374
Guilford County, duties with respect to probate of real estate subdivision plats 994
Halifax County, annual reports of clerk of superior court, period covered 375
Henderson County, clerk of superior court authorized to destroy records in certain tax foreclosure suits; maintenance of index 597
Jackson County, clerk of superior court constituted librarian for law library 1561
McDowell County, appointment of deputy clerk authorized 1033
Madison County, appointment of deputy clerk of superior court; salary 479
Mecklenburg County, professional bondsmen, statement of financial condition required 1221
Northampton County, payment of certain unclaimed fees to school fund 742
Richmond County, small sums due intestates, payment to clerk of superior court for administration 64

Page

Courts—(Continued)
Superior Courts—(Continued)
Clerks of Superior Court—(Continued)
Local—(Continued)
Rowan-Iredell County Drainage District No. 2, appointment of members 1668
Sampson County, small sums due intestates, handling by clerk of superior court 862
Surry County, acts of Carolyn V. Cooper, as deputy clerk of superior court or assistant clerk of superior court, validated 470
Transylvania County, advance payment of costs in divorce actions 11
Union County:
Employment of additional assistant to clerk of superior court, compensation 559
Reimbursement of clerk of superior court for sum expended for clerical assistance 560
Wake County:
Assistant clerks of superior court, authority for appointments 61
Authority for photostating, photographing records; disposal of inactive records 1293
Washington County, certain acts of deputy clerk of superior court validated 1566
General:—For Acts affecting individual courts only, see under particular County
Appeals from justice of the peace courts in summary ejectment proceedings, law amended 1399
Bus Act of 1949, jurisdiction of superior court as to enforcement 1351
Act amended 1677
Calendar for trial of criminal cases 141
Civil actions arising out-of-state, all parties nonresident, power of court to dismiss 696
Civil Procedure—See Title, Civil Procedure
Complaint, service of, when filed after issuance of summons; time for answer 1307
Constitutional amendments, proposal as to assignment of judges; jurisdiction of special judges 882, 1523
Counsel for indigent defendants in capital cases, appointment 85
Custody of children of parents divorced outside of State 1148

Page

Courts—(Continued)
Superior Courts—(Continued)
General—(Continued)
Demurrers, authority for hearing out of term ... 111
Divorce and alimony, jurisdiction of actions ... 227
Divorce on grounds of insanity, jurisdiction ... 228
Exception to adverse ruling upon objection to admission of evidence, not necessary ... 113
Execution sales, regulations and procedure ... 757, 775
Federal courts, removal from or remand to State courts, procedure ... 917
Future interests, power of court as to disposition of property held by a "class", when possibility of increase in membership within class ... 920
Grand juries, law as to duties amended ... 175
Guardianship, sale of ward's estate in county in which guardian does not reside ... 821
Insane persons, proceedings for restoration of sanity and discharge of guardian ... 92
Judges:
Appropriation for increased salaries ... 1401
Charge to grand jury, law amended ... 175
Charge to jury in civil and criminal cases, duties of judge defined ... 82
Compensation and expense allowances ... 132, 1401
Proposed constitutional amendment:
As to assignment of judges by Chief Justice ... 882, 1523
As to election of judges ... 391
As to jurisdiction of special judges ... 882, 1523
Retired judges, compensation ... 1271
Special judges, appointment ... 702
Judicial sales, regulations and procedure ... 757
Jurors and Juries—See Title Jurors and Juries
Juvenile Court, law relating to appeals from, amended ... 1106
Larceny and receiving stolen goods, jurisdiction of court, law amended ... 110
Motions to strike, authority for hearing out of term ... 110
Motor vehicles, jurisdiction over violations of laws, amended ... 137

Page

Courts—(Continued)
Superior Courts—(Continued)
General—(Continued)
N. C. Utilities Commission Procedure Act of 1949; extent of court review on appeal 1126
Pre-trial hearings in civil cases 415
Retired judges, law as to compensation, amended 1271
Solicitors:
Appropriation for increased salaries 1401
Compensation and expenses 154
Special judges, appointment 702
Special terms of superior court, proposed Constitutional amendment as to authority to call 1523
Terms of Superior Court:
Alexander County 459
Alleghany County 458
Caldwell County 455
Catawba County 1320
Columbus County 472
Craven County 1516
Lenoir County 1284
Madison County 1286
Moore County 456
New Hanover County 716
Pasquotank County 986
Perquimans County 231
Pitt County 975
Watauga County 714
Wilkes County 1133
Supreme Court:
Judicial Council, establishment 1209
Justices:
Appropriation for increased salaries 1401
Compensation 133
Proposed Constitutional amendment, to authorize Chief Justice to assign superior court judges 882, 1523
Supreme Court Reports, distribution of, law amended 1434
U. S. Courts, removal from or remand to State courts, procedure 917

Courts-Martial:
National Guard, powers of 1323

Page

Craven County:
Board of Education, nomination of candidates for membership 1070
Cherry Point Marine Corps Air Station Zoning Commission, creation, powers, jurisdiction 457
Constables, record of arrests required to be filed 1652
Recorder's Court, appointment of assistant clerk; compensation 715
School building bonds, authority to issue; exemption from debt limitation of general law 1384
School districts:
Act relating to creation, applicable to county 315
Bonds and taxes, law relating to, applicable to county 1383
Superior Court terms 1516
Wine and beer, sale in certain areas prohibited 1007

Cream:
Board of Agriculture authorized to prescribe standards of weights and measures 1112
Regulation of products brought into North Carolina from other states 934

Creditors:
Administrator's notice to creditors:
Law amended 43
Publication of notice not required in certain cases 52

Creedmoor, Town of:
Jail fees 394

Creswell, Town of:
ABC store profits, payments authorized 1068

Crimes and Punishment:
General:
Abandonment of wife by husband, of children by either parent, made misdemeanor 919
Abduction of adopted child by forfeiting parents, punishment 277
Agricultural fairs, penalty for violations of regulatory Act 943
Alcoholic Beverage Control laws, provision for better enforcement 1637
Antifreeze, inspection and regulation of sale; penalty for violations 1402
Arson, punishment by life imprisonment upon jury recommendation 262
Assault cases, competency of evidence of threats against defendant under self-defense plea 261

Page

Crimes and Punishment—(Continued)
General—(Continued)
Assaults on persons under 12 years of age by persons 18 years or older, punishment 261
Blind persons, right of way at crossings and intersections; violations made misdemeanor 303
Burglary in first degree, punishment by life imprisonment upon jury recommendation 262
Bus Act of 1949, violations of Act or rules and regulations, made misdemeanor 1351, 1677
Camp Butner Hospital territory, punishment for violations of applicable laws and regulations 58
Capital crimes, punishment by life imprisonment upon jury recommendation 262
Child under six months old, separation from mother, unlawful in certain cases; punishment 486
Concealed weapons, prohibitory law rewritten; disposition of seized weapons 1548
Corrupt Practices Act, removal from office of public officials convicted of violations 499
Cosmetic Art Act, violations of board regulations made misdemeanor 500
Cotton, penalty for violating regulations as to public ginneries 939
Disabled persons, certain violations of Act as to special operator's licenses made misdemeanor 108
District Boards of Health, penalty for violation of rules and regulations 133
Fishing laws, forfeiture of seized devices used in illegal taking of fish 482
Fraudulent removal or defacing of manufacturer's identifying marks on machinery, etc., made misdemeanor 1057
Game Laws:
Forfeiture of seized devices used in illegal taking of game 482
Penalty for violations, law amended 1531
Gravestones, inscriptions charging commission of a crime prohibited; punishment 1234
Insurance, penalty for violations of cease and desist order of Commissioner of Insurance 1306
Larceny and receiving stolen goods, law as to jurisdiction of courts, amended 110
Larceny, law relating to, amended 109
Malt beverages, penalty for violations of Act regulating sale and distribution 1099

Page

Crimes and Punishment—(Continued)

General—(Continued)

Milk and cream, penalty for violating regulations as to products from other states ... 937

Motor vehicle laws, jurisdiction of courts over violations ... 137

Motor vehicles:

Fraud committed in procurement of certificate of title made misdemeanor ... 328

Motor vehicles and trailers, dealers required to be licensed; punishment for violations ... 587

Punishment for operation in violation of municipal ordinances regulating speed ... 1073

Murder in first degree, punishment by life imprisonment upon jury recommendation ... 262

N. C. Game Law, penalty for violations, law amended ... 1531

N. C. Seed Law, penalty for violations ... 832

Pamlico River, setting of pound nets prohibited between certain points; punishment ... 1175

Poisonous reptiles, regulation of ownership, handling and use; punishment for violations ... 1250

Posted land, trespass upon, for purposes of hunting, etc., made misdemeanor ... 1002

Prison for youthful offenders, establishment and operation on Camp Butner property ... 259

Rape of female under 12 years, life imprisonment upon jury recommendation ... 262

Real estate agents, violations of license requirements for non-resident agents made misdemeanor ... 707

Receiving stolen goods, law relating to, amended ... 109

Sanitary Districts, violation of regulations as to sanitary installations, connections, etc., made misdemeanor ... 1356

Seed Law, penalty for violations ... 832

Tenants, failure to account for proceeds of certain tobacco sales made misdemeanor ... 158

White canes, use of by other than blind persons prohibited ... 303

Local:

Anson County, practice of palmistry, fortune telling, etc., prohibited; punishment ... 1569

Avery County, public drunkenness, penalty for ... 1005

Beaufort County:

Dance halls and sale of alcoholic beverages near Christian Service Camp prohibited ... 1211

Worthless check, law amended to apply to county ... 309

Page

Crimes and Punishment—(Continued)
Local—(Continued)
Bladen County, violations of Act regulating professional bondsmen made misdemeanor 614
Caldwell County, punishment for public drunkenness 1394
Carteret County, wine and beer, sale in certain areas prohibited 1007
Caswell County:
Amplifying systems, penalty for violation of regulations 529
Penalty for violations of Act regulating sale of fish from private ponds 1663
Chatham County, punishment for trespassing and depredations on school property 958
Cherokee County, violation of boxing and wrestling laws made misdemeanor 245
Clay County, punishment of law enforcement officers for failure to refer liquor cases to State courts 95
Cleveland County, trespass or disorderly conduct on school property made misdemeanor 531
Columbus County, punishment for illegal possession of non-tax-paid liquors 454
Craven County, wine and beer, sale in certain areas prohibited 1007
Davidson County, public drunkenness, punishment for 44, 1522
Davie County, operation of pool rooms on Sunday in Clarkville Township in violation of Act made misdemeanor 548
Durham County, penalty for violations of Act regulating professional bondsmen 1025, 1574
Edgecombe County, game of bingo, regulatory law applicable 563
Erwin:
Fire department vehicles, violation of Act giving right of way to, made misdemeanor 31
Violations of traffic regulations made misdemeanor 30
Fayetteville, violations of Act prohibiting hunting of birds made misdemeanor 847
Forsyth County:
Parking on church and school properties regulated, penalty for violations 147
Vaccination of dogs, violations of Act made misdemeanor 635
Gaston County, justices of the peace, functioning without surety bond, made misdemeanor 976
Graham County:
Carnivals and vaudeville shows prohibited, penalty for violations 1003

Page

Crimes and Punishment—(Continued)
Local—(Continued)
Graham County—(Continued)
Public drunkenness, law as to punishment amended 181
Guilford County:
Law regulating game of bingo made applicable 563
Sale of beer and wine near Allen Jay School prohibited 1071
Harnett County, punishment for violations of regulations controlling operation of loud speakers, etc. 494
Haywood County, carnivals and vaudeville shows prohibited, penalty for violations 1003
Hickory, failure to obtain business privilege license made misdemeanor 505
Holly Springs, sale or manufacture of beer or wine within certain locality, prohibited 1567
Iredell County, violation of Act prohibiting motor vehicle races on Sunday made misdemeanor 346
Jackson County, keeping bears in captivity prohibited; punishment 75
Johnston County, sale of alcoholic beverages and gambling near certain church prohibited 1145
Jones County, punishment for issuance of worthless check 151
Kure Beach, punishment for violations of law relating to balloting for town officials 592
Laurinburg:
Penalties for traffic violations payable to traffic bureau; warrant issued in certain cases 591
Regulation and control of markets, penalty for violations 1656
Lenoir County, public drunkenness, law amended as to punishment 182
Martin County:
Disorderly conduct, etc., made misdemeanor 302
Obstructing flow of streams made misdemeanor, contingent on referendum 585
Mecklenburg County:
Practice of palmistry, fortune telling, etc., prohibited; punishment 1059
Professional bondsmen, licensing and regulation of, penalty for violations 1221
Moore County:
Bay Rum, punishment for violation of law regulating sales 462
Penalty for violations of Act regulating sale of fish from private ponds 1663

Page

Crimes and Punishment—(Continued)
Local—(Continued)
Moore County—(Continued)
Regulation of traffic in "Municipality of Pinehurst," penalty for violations 1132
Morehead City, violations of Act prohibiting hunting of birds made misdemeanor 833
Murphy, violation of municipal election laws made misdemeanor 244
Pasquotank County:
Public address systems, regulation of; punishment 924
Law repealed 1392
Violation of law relating to horse racing course, made misdemeanor 1064
Perquimans County, depredations of domestic fowls, punishment for violating regulatory law 1555
Pitt County, law regulating game of bingo made applicable 563
Richmond County, regulation of operation of taxicabs, penalty for violation 104
Robeson County, punishment for violating law regulating deer hunting 851
Rockingham County, sale of bay rum as beverage prohibited 102
Swain County, keeping bears in captivity prohibited; punishment 75
Wake County:
Motor vehicle races on Sunday prohibited, penalty for violation 146
Public drunkenness, penalty for 209
Sale or manufacture of beer or wine near Holly Springs Baptist Church, prohibited 1567
Wild animals, violations of Act regulating exhibitions of, made misdemeanor 836
Watauga County, penalty for use of profanity on public highway 959
Whiteville, punishment for violations of law regulating beer sales 466
Yadkin County, punishment of law enforcement officers for failure to refer liquor cases to State courts 95

Criminal Procedure: (For local Acts, see under particular local unit or under particular Court)
Assault cases, competency of evidence of threats against defendant, under self-defense plea 261
Blood tests, authority of court to order, competency as evidence 45
Calendar for trial of criminal cases, Superior Courts 141

Page

Criminal Procedure—(Continued)
Capital Cases:
Appointment of counsel for indigent defendants 85
Punishment by life imprisonment upon verdict recommending mercy 262
Concealed weapons, disposal of seized weapons after conviction 1548
Confidential information acquired by officials in conciliation of labor disputes, disclosure prohibited; exceptions 694
Detainer of prisoners to account for other pending charges, limitations; procedure prescribed 280
Domestic Relations Courts, transfer of certain cases to 613
Driver's license, suspension of, pending appeal, prohibited 346
Exception to adverse ruling upon objection to admission of evidence not necessary 113
Indictments, proposed constitutional amendment to permit waiver in certain cases 581
Judge's charge to jury, duties of judge defined 82
Juvenile Court, law relating to appeals from, amended 1106
Larceny and receiving stolen goods, jurisdiction of court, law amended 110
Larceny, law relating to, amended 109
Motor vehicle laws, jurisdiction of violations, law amended 137
National Guard, courts-martial, powers 1323
Receiving stolen goods, law relating to, amended 109
Search warrants, issuance of, by clerks of inferior courts 1435
Seized devices used in illegal taking of game or fish, use in evidence 482
Seized weapons in concealed weapon cases, disposal after conviction 1548
Warrants, execution without endorsements 140

Crop Liens—See Liens

Crops—See Agriculture

Cumberland County:
ABC store funds, transfer to poor fund; use of funds for expense of property revaluations 195
Bureau of Identification, establishment 861
Clerk of superior court, schedule of fees and costs 956
Delinquent taxes, power of board of commissioners to make adjustments 151
Register of Deeds, minimum fee 631
Return of certain criminal; reimbursement for expenses 1233
Revaluation and reassessment of property deferred 523
Special tax levy for poor, increase in rate 171

Page

Cumberland County—(Continued)
Veterans Service Office, special tax levy for maintenance authorized 1007

Currituck County:
Auditing of school fund accounts, law relating to, repealed 376
Board of Commissioners and Board of Education, law as to publication of minutes, repealed 1396
Board of Commissioners, nomination and election of members; voting by districts; commissioner-at-large 671
Board of Education:
Certain laws governing, amended and repealed 129
Conveyance of certain property to Ruritan Club of Shawboro authorized 20
Disposition of certain property not used for school purposes 477
Membership increased 551
County Recorder's Court established; jurisdiction; election and compensation of officers; etc. 237
Deputies sheriff, designation and compensation 444
Nottingham, Harriette Hampton, appointed justice of the peace 1678
Public schools, law providing for closing during cotton picking season repealed 130
Public vouchers and records, laws relating to, repealed 130
Racing Commission, election on creation of 543
School busses, requirement as to adult drivers repealed 130
Survey of certain lands, Acts repealed 206

Currituck County Racing Commission:
Election on creation of 543

D

Dairies:
Board of Agriculture authorized to prescribe standards of weight or measurement for sale of dairy products 1112
Milk and cream, regulation of products brought into North Carolina from other states 934

Dallas, Town of:
Charter amended as to election and compensation of town officials 884

Damages:
Dogs, liability of counties for damages by; exemption of counties:
Chowan County 183
Lee County 320
Onslow County 103
Sampson County 320
Tyrrell County 183

Page

Damages—(Continued)
Municipal corporations, relief from liability for civil damages with respect to State-maintained streets 971

Dance Halls:
Beaufort County, prohibited near certain camp 1211
Halifax County, regulation of record-playing machines in 1691

Dare County:
ABC stores, allocation of profits, law amended 1689
Bingo, playing or operation of game made lawful; license tax prescribed 1067
Community Center, law amended as to powers and duties of board of trustees; satisfaction of mortgage 1285
Compensation of certain officials and employees 439
Taxation, Act relating to reassessment of property repealed 144

Davidson County:
Bond issue for school purposes authorized 411
Clerk of Superior Court, compensation 901
County Court:
Compensation of court officials 714
Issuance of process by certain police officials 1651
Fox hunting, closed season abolished 227
Jurors, compensation 527
Justices of the peace, schedule of fees 660
Public drunkenness, punishment for:
G. S. 14-335, subsection 1, amended 1522
G. S. 14-335, subsection 11, amended 44
Recorder's Court of Thomasville, jurisdiction of, amended 525
Register of Deeds, compensation 901
Sheriff, compensation 901
Sheriff and deputies sheriff, compensation; emergency deputies 1313

Davie County:
Board of Education, conveyance of certain property authorized 532
Clarkville Township, pool and billiard rooms, Sunday operations regulated 548
Jerusalem Township, appointment of deputy sheriff; compensation 249
Salaries of county officials 955

Death Certificates:
Armed forces, members killed outside U. S., preparation of certificates 144
Form, contents, and execution of death certificates 135

Page

Death Certificates—(Continued)
Persons having access to original death records, law amended 134
State Registrar, copies of certificates of nonresidents forwarded to county of residence 101

Deeds and Conveyances:
General:
Attested writings, proof of, law amended 925
Attorneys-in-fact, law relating to execution and acknowledgment of instruments, amended 54
Aycock, Charles B., Memorial Commission, conveyance of property to State upon acquisition 1160
Clerks of superior court, prior acts of deputies in taking acknowledgments, etc., validated 1232
Corporations, certain corporate conveyances validated 442, 940, 1541
Corporations, execution of certain personal property conveyances; form of probate 1557
Deeds executed in other states, with maker's seal omitted, validated 67, 259
Deeds with order of registration omitted, validated 487
Dissolved corporations, certain conveyances validated 940
Execution sales, conveyance of property sold 782
Foreign dissolved corporations, certain conveyances validated 1541
Future interests, disposition of property held by a "class," with possibility of increase in class 920
Judicial sales, conveyance of property sold 770, 774
Missing persons, conveyance of property, procedure 584
N. C. Armory Commission, conveyances to State for armory purposes, Act amended 1226
N. C. Hospitals Board of Control, Camp Butner property, power to dispose of surplus lands 58
Notaries Public, acts performed prior to qualification validated 1
Plats and maps, certain recordings validated 1232
Shaw University:
Charter amended, as to execution of real estate conveyances 1288
Conveyance of certain State lands to 172
State lands, officials authorized to dispose of tract in Chatham County near Moncure 1295

Local:
Aberdeen, certain conveyances validated 731

Page

Deeds and Conveyance—(Continued)
Local—(Continued)
Bertie County:
Riverside school property, conveyance to Riverside Baptist Church validated 554
Sales of lands for taxes during certain years validated 836
Bessemer City, sale of certain real property authorized 234
Carteret County, school property, lease or rental for recreational purposes authorized 305
Caswell County, sale of Pelham School lot to church, authorized 81
Charlotte, authority to grant easements to railroad companies 1092
Currituck County, Board of Education:
Conveyance of property for community center, Act as to, amended 20
Conveyance of property for Home Demonstration Club authorized 477
Dare County, community center properties, conveyance to Board of Education authorized 1285
Davie County, Board of Education, conveyance of certain property authorized 532
East Flat Rock, acts of commissioners in disposing of real estate validated 452
Edenton, conveyance of certain land to Chowan Hospital, Inc., authorized 852
Franklin County:
Franklinton Township School District, certain conveyances validated 171
Validation of certain conveyances, law amended 374
Goldsboro, conveyance of land to State for military purposes authorized 1665
Greensboro:
Charter amended as to lease of municipal property 1657
City Administrative Unit, sale or exchange of certain property authorized 8
Harnett County, quitclaim of certain property to J. Paul Davis authorized 539
Hoke County, conveyance of certain lands to Board of Education, authorized 1291
Laurinburg:
Private sale of certain land authorized 928
Purchase or lease of certain land for market purposes authorized 1654

Page

Deeds and Conveyance—(Continued)
Local—(Continued)
Leaksville, authority to convey library building property to Rockingham County ... 575
Lincoln County, conveyance of certain real estate without advertising sale, validated ... 90
Lincolnton, sale of certain real estate authorized ... 131
Lumberton, public golf course and recreational grounds, powers of trustees amended ... 313
Murphy, conveyance of abandoned portion of street authorized 742
New Bern, private sale of certain property authorized ... 1520
Northampton County, conveyance of Potecasi school property authorized ... 23
Pelham, sale of school property to Pelham Methodist Church authorized ... 81
Plymouth, sale of certain property authorized ... 26
Reidsville, private sale of municipal property to governmental agencies ... 303
Robeson County, land sales for taxes during certain period validated ... 536
Salisbury, authority to convey certain lands to Rowan County ... 66
Spencer, conveyance of certain property to fraternal lodge authorized ... 18
Star, certain conveyances of real estate by town validated ... 46
Statesville, authority to sell certain power lines and rights of way ... 576
Statonsburg, conveyance of certain lands to Wilson County Board of Education validated ... 580
Stokes County, conveyance of portions of property authorized; prior conveyances validated ... 746
Tarboro, authority to lease or convey part of "town common" to school trustees ... 878
Wake County, Board of Education, certain conveyances validated ... 309
Walnut Cove, certain conveyances validated ... 745
Waynesville, dedication of memorial plot in cemetery validated ... 105
Weldon, private sale or lease of community center property authorized ... 320
Wendell, private sale of certain property validated ... 7
Wilmington, authority to sell real estate acquired through tax foreclosure sales ... 392
Wilson County, conveyance of certain land by Board of Education validated ... 580

Page

Deeds of Trust—See Mortgages and Deeds of Trust

Deep Run, Town of:
Election on restoration of corporate charter 1093

Deer Hunting:
Prima facie evidence of violation of regulations for hunting deer 1531
Robeson County, regulation of deer hunting 851

Defamatory Statements:
Gravestones, inscriptions charging commission of crime, prohibited 1234
Liability of radio stations 226

Delinquent Taxes—See Taxes and Taxation

Dentistry:
School of Dentistry, establishment and operation at University of North Carolina, authorized 498

Departments—See State Departments

Depositions:
Persons in civilian service of U. S. abroad, depositions authorized 972

Depots and Stations:
Bus Act of 1949 1325
Amended 1677

Deputy Clerk of Superior Court—See under particular County; See Clerks of Superior Court

Deputy Register of Deeds—See under particular County; See under Register of Deeds

Deputy Sheriff—See under particular County; See under Law Enforcement Officers

Director of Budget—See under State Officials

Directors, Corporate:
Law requiring directors to be stockholders of corporation amended 1044

District Boards of Health:
General:
Employees, membership in retirement system 1149
Rules and regulations, violation made misdemeanor 133

Local:
Bertie-Chowan-Edenton District, compensation of members of board of health 701
McDowell County, enforcement of regulations, law amended 961

Page

Division of Insurance of State Board of Education:
Establishment 1436

Division of Purchase and Contracts: (See also Title, Purchase and Contract)
Administration of surplus assets of inoperative boards 844

Divorce and Alimony:
General:
Annulment of Marriages:
Defense after judgment on substituted service, law amended 222
Persons under minimum age, effect of pregnancy or birth of child 1161
Service of summons by publication 66
Custody of children of parents divorced outside State 1148
Income tax, payments for support of divorced or estranged spouse, deductibility 383
Insanity as grounds for divorce, law amended 228
Jurisdiction of actions for divorce, law amended 227
Residence requirements in actions for divorce amended 227, 414

Local:
Franklin County, recorder's court, jurisdiction in divorce actions 852
Transylvania County, advance court costs in actions for divorce 11

Dobson, Town of:
Charter amended; election and terms of office of officials; application of general laws 639

Dogs:
General:
Anti-rabies law, amended, as to vaccinations 663
Dog food, annual registration fee for manufacturers, law amended 1217

Local:
Chowan County, exemption from liability for damages by dogs 183
Currituck County Racing Commission, election on establishment of 543
Edgecombe County, anti-rabies law amended as to county 532
Forsyth County, vaccination of dogs 635
Guilford County, operation of dog pounds; anti-rabies vaccinations; credit of vaccination fee on dog tax 463

Page

Dogs—(Continued)
Local—(Continued)
Lee County, exemption from liability for damages by dogs 320
Morehead City, franchise tax, dog racing, law amended 630
Nash County, anti-rabies law, amended as to county 1559
Onslow County, exemption from liability for damages by dogs 103
Sampson County, exemption from liability for damages by dogs 320
Tyrrell County, exemption from liability for damages by dogs 183

Domestic Relations—See Titles: Divorce and Alimony; Husband and Wife; Marriage and Marriage License; and Minors

Domestic Relations Courts:
General:
Establishment of court by two cities in same county, meeting population prerequisites 1082
Population requirements for establishment, law amended 417
Transfer of cases from inferior criminal courts 613
Local:
Durham County, application of general law as to establishment of courts 310
Gaston County, application of general law as to establishment of courts 63
Guilford County, Act amended to apply to county 740
Mecklenburg County, appointment and salary of counselor for domestic relations and juvenile court 1074

Drainage and Drainage Districts:
General:
Drainage commissioners, appointment and compensation 1081
Levy of annual maintenance assessments; use of proceeds 1546
Local:
Edgecombe County Drainage District No. 2, construction and maintenance with own employees 579
Iredell County, commissioners authorized to cooperate with federal government, procedure for assessments 1671
Iredell-Rowan County Drainage District No. 1, appointment of commissioners ratified 1519
Rowan County, commissioners authorized to cooperate with federal government; procedure for assessments 1671
Rowan-Iredell County Drainage District No. 2, establishment 1668
Washington County, Scuppernong Drainage District, name changed; boundaries defined 1061

Page

Drivers' License Act:
Contents of operator's and chauffeur's license, law amended 589
Expiration of operator's license 940
Limited or restricted operator's or chauffeur's license 1315
Restoration or reissuance of license after suspension period 1175
Surrender of operators' or chauffeurs' licenses 588
Suspension and revocation of license 346

Drugs:
N. C. Food, Drug and Cosmetic Act, amended as to drugs deemed misbranded 343
Public nuisance, law amended to include places for illegal sale of narcotic drugs 1402

Dunn, Town of:
ABC stores, election on establishment of; allocation of profits 1387
City Manager form of government, election on adoption of 564
Delinquent tax collections, payable into general fund account 1282
Delinquent taxes, limitation of time for collections or foreclosure of liens 1282
Recorder's Court:
Election of solicitor 855
Salaries of judge and solicitor 1097
Trial by jury; office of vice recorder abolished 1140

Duplin County:
Board of Education, certain construction contracts exempt from public contracts law 285
Faison ABC stores:
Law authorizing referendum; inoperative upon call of county election 1418
Participation in profits by county if stores established 1418
Jurors, fees and travel allowance 702
Kenansville ABC stores:
Law authorizing referendum; inoperative upon call of county election 1416
Participation in profits by county if stores established 1416
Wallace ABC stores:
Law authorizing referendum; inoperative upon call of county election 1407
Participation in profits by county if store established 1407
Warsaw ABC stores:
Law authorizing referendum, inoperative upon call of county election 1413

Page

Duplin County—(Continued)
Participation in profits by county, if stores established 1413

Durham City - County Consolidation Commission:
Creation of, duties, organization, etc. 35

Durham, City of:
ABC store profits, share in accumulated surplus withheld for law enforcement 1000
Bonds and notes, temporary investment of proceeds from sale 177
Consolidation of functions of county and city, commission to study problem 35
Delinquent taxes, regulation of sales of personal property levied upon 984
Durham Peace Officers' Relief Fund Act, amended 317
Local improvements, special assessments against abutting property owners; procedure 1052
Municipal elections, form of ballot; date of elections 948
Planning and zoning, appropriations for county-city surveys and studies 951
Professional bondsmen, licensing and regulation of 1023, 1574
Reapportionment of assessments among subdivisions of property 1672
Subdivision of properties; public streets; municipal regulation 338
Taxicabs, additional license and privilege taxes 410

Durham County:
ABC store profits, distribution of accumulated surplus withheld for law enforcement 1000
Compensation of certain officials and employees 1134
Consolidation of functions of county and city, commission to study problem 35
Delinquent taxes, regulation of sales of personal property levied upon 984
Domestic Relations Court, Act relating to establishment of, amended as to county 310
Durham Peace Officers' Relief Fund Act, amended 317
Election officials, compensation 1031
Justices of the Peace, schedule of fees and costs 291
Planning and zoning powers granted to board of commissioners 1196
Planning and zoning, surveys and studies outside city of Durham; assistance from city 951
Planning boards, law relating to establishment made applicable 985
Professional bondsmen, licensing and regulation of 1023, 1574

Page

Durham County—(Continued)
Recorder's Court, change in record system authorized; disposition of old records 1095
Treasurer, salary; prior payments validated 966

E

Easements:
Authority of churches to obtain easements for utility lines, law amended 357
Charlotte, authority to grant easements to railroad companies 1092

East Flat Rock, Town of:
Charter repealed; dissolution of town affairs, validated 452

East Spencer, Town of:
ABC stores, election on establishment of; allocation of profits 1263
Charter, revised and consolidated 514

Edenton, Town of:
Extension and operation of sewerage system beyond corporate limits; charges for service 1571
Parking meters, election on continued use 681
Sale of land to Chowan Hospital, Inc., authorized 852

Edgecombe County:
Bingo, law regulating game, applicable to county 563
Coroner, fees of 525
Drainage District No. 2, construction and maintenance of drainage works by district employees 579
Justices of the peace, additional fees 685
Maps and plats, requirements for registration 1117
Rabies, prevention of, law amended 532
Register of Deeds, schedule of fees 1204
Rocky Mount City Administrative School Unit, election on issuance of school building bonds; participation in county capital outlay funds 675
Sheriff and deputies, salaries 193
Sheriff, relieved of tax collection duties; compensation; appointment and salary of deputies 804
Superintendent of County Home, appointment, term, removal 195
Tarboro, zoning powers extended beyond corporate limits; additional members of Zoning Commission 1521
Taxation of fair associations, law repealed 557
Twin County Peace Officers' Relief Act 1513

Page

Education—See Schools and School Districts

Educational Institutions, State:
Appropriations Act of 1949 1616-1628
Amendments 1689, 1693
Free tuition for children of disabled World War Veterans 1192
N. C. Communications Study Commission, creation of 1235
N. C. State College:
Construction of Alumni Memorial Building 1204
Enlargement of athletic stadium 1206
Negro Agricultural and Technical College, surety bond of president 97
Pembroke State College for Indians, name changed 49
Permanent Improvement Appropriations Act of 1949 1575-1616
State School for Blind and Deaf at Raleigh:
Expenditure of funds for out-of-State facilities 501
Payment of costs, law amended 1230
Student loans by educational institutions, law amended 592
Tort claims against various institutions, determination by Industrial Commission 1360, 1570, 1676
University of North Carolina:
Escheats:
Surplus assets of inoperative State boards 844
Unclaimed bank deposits, law amended 1230
Unclaimed funds held by life insurance companies 704
Medical student loans, credits for services in rural areas 1154
Power to sell or lease public utility systems 673
School of Dentistry, establishment and operation, authorized 498
Session laws and other state publications, distribution of, law amended 1434

Elections and Election Laws:
General:
Absentee ballots, law amended as to printing and distribution 693
Automatic voting machines, purchase and use by counties and municipalities 278
Bond elections, result determined by majority of those voting 492
Constitutional Amendments, elections on proposals:
To amend Article I, Section 12, to permit waiver of indictment in certain criminal cases 581
To amend Article II, to safeguard funds of the Teachers' and State Employees' Retirement System 932
To amend Article II, Section 28, to increase salaries of members and presiding officers of General Assembly 1661

Page

Election and Election Laws—(Continued)
General—(Continued)
To amend Article IV, Section 10, as to election of Superior Court Judges ... 391
To amend Article IV, Section 11:
To empower legislature to define jurisdiction of special Superior Court Judges ... 882, 1523
To permit assignment of Superior Court Judges by Chief Justice ... 882, 1523
Corrupt Practices Act, removal from office of public officials convicted of violations ... 499
County boards of elections, limitation of partisan activities of members ... 693
County Hospital Act, law amended as to elections, to conform with constitution ... 988
Hospital districts, elections as to bond issues, tax levies for hospitals and facilities ... 870
Municipal corporations, election of officials in newly incorporated municipality ... 1250
Notice of candidacy, time of filing ... 693
Political parties, creation and regulation of ... 691
Presidential ballot, law amended as to entry of candidate ... 693
Public libraries, limitation on special tax levy for library purposes increased ... 322
Registration of voters, law relating to, amended ... 1040
Sanitary districts, law amended as to elections, to conform with State constitution ... 988
School bond elections; school supplement tax elections; laws amended ... 1176
School districts, laws relating to special elections amended ... 1044
School Plant Construction, Improvement and Repair Fund, bond issue election ... 1155, 1628
Secondary Road Bond Act of 1949 ... 1629, 1649
U. S. Senate, notice of candidacy, requirements when two N. C. vacancies ... 1059

Local:
Ahoskie, election on city manager form of government ... 335
Anson County, nomination and election of commissioners ... 993, 1321
Avery County, Banner Elk Township, provisions for voting by Seventh Day Adventists ... 1028
Bessemer Sanitary District, election on consolidation with City of Greensboro ... 1680

Page

Election and Election Laws—(Continued)
Local—(Continued)
Bladen County:
Board of Education, nomination and election of members 1357
Register of Deeds, election and term of office 946
Brevard, new registration of voters authorized 963
Broadway, election of town commissioners; increase in number 898
Brunswick County:
Board of Education, membership; nomination of candidates 1008
Southport White School District, election on supplemental tax levy 315
Camden County, election on bond issue for construction of administrative building 283
Carolina Beach:
Election on city manager form of government 658
Election of city council if form adopted 659
Referendum on tax levy for advertisement and development of town 279
Caswell County, Board of Education, nomination and election of members 552, 1227
Chadbourn, ABC stores, election on establishment 1379
Charlotte:
City Administrative School Unit, election on tax levies for community college system 894
Election as to tax levy for park and recreation purposes, Act repealed 596
Election laws amended 620
Special election on bond issue and tax levy for public library purposes 1178
Special election on erection of municipal auditorium, Act repealed 595
Cherokee County, Board of Education, nomination and election of members 412
Cherryville:
Election of mayor and town commissioners 150
Election on city manager form of government 907
Cleveland County, school building bonds, elections on issuance, law amended 1544
Clinton, election on establishment of ABC stores 1166
Clyde, election and terms of office of certain officials 917
Columbus County, Bolton Precinct, provisions for voting by Seventh Day Adventists 1028

Page

Election and Election Laws—(Continued)
Local—(Continued)
Concord:
Election of alderman from new ward, upon creation 490
Election on city manager form of government 488
Conover, election of mayor and commissioners 149
Craven County:
Board of education, nomination of candidates by district 1070
Law as to school districts, bond elections, etc., made applicable 1383
Currituck County:
Judge of Recorder's Court, election 239
Law requiring notice of election of school superintendent repealed 130
Nomination and election of county commissioners 671
Racing Commission, election on creation of 546
Dallas, charter amended as to election of mayor and aldermen 884
Deep Run, election on proposed incorporation of community 1093
Dobson, mayor and commissioners, election and terms 639
Dunn:
ABC stores, election on establishment 1387
Election of solicitor of recorder's court 855
Election on city manager form of government 564
Durham, municipal elections, form of ballot; date of elections 948
Durham County, election officials, compensation 1031
East Spencer:
ABC stores, election on establishment 1263
Charter revised as to municipal elections 518
Edenton, parking meters, election on continued use 681
Elizabeth City, election of officials 502
Enfield, town commissioners, election on increase in number 744
Eureka, election of town officials, terms, etc. 460
Fair Bluff, ABC stores, election on establishment 1379
Fairmont, primary election for nomination of municipal officers 449
Faison, ABC stores, election on establishment 1418
Forsyth County:
ABC stores, election on establishment 1684
Board of commissioners, election of members; number increased 962
Franklin County, election of county commissioners 147

Page

Election and Election Laws—(Continued)
Local—(Continued)
Fremont City School Administrative Unit, election on supplemental tax levy 431
Gaston, election of mayor and town commissioners 1393
Gates County, referendum as to increasing membership of board of education 1395
Goldsboro, time for city primary elections 187
Greensboro:
Election on consolidation with sanitary district 1680
Registered electors for Guilford County general election, city precincts, transfer to city registration books 688
Halifax County, special period for registration of voters in Roanoke Rapids Township 570
Hamlet City School Administrative Unit, election of board members 1026
Harmony, conduct of municipal elections 1313
Harnett County:
County Recorder's Court:
Judge, terms of office 856
Solicitor, election of 975, 1675
Dunn Recorder's Court, solicitor, election of 855
Register of deeds, term of office 856
Hayesville:
Election of mayor and commissioners 25
Election on extension of corporate limits 1021
Henderson, election of aldermen, law amended 88
Hertford:
ABC stores, election on establishment 1430
Election on tax levy for benefit of Roanoke-Chowan Hospital, Inc. 900
Hickory:
Charter amended as to elections 289
Election on increase of terms of aldermen 977
Mayor, election and term of office 504
High Point, establishment of voting districts by city and county elections boards 951
Hudson, election laws amended 432
Act repealed 1266
Hyde County, board of commissioners, nomination and election of members 1391

Page

Election and Election Laws—(Continued)
Local—(Continued)
Jackson County, election on question of Stock Law, Cashier's Township 853
Johnston County:
Bentonsville Township, election on use of special school fund for community house 1316
Micro School District, election on school building bonds and special tax levy 904
Jones County, Board of Education, nomination and election of members 131
Act repealed 1570
Kenansville, ABC stores, election on establishment 1416
Kings Mountain, election of school trustees 129
Kure Beach, elections to recommend persons for appointment as town officials 592, 1401
Laurinburg, term of office of certain officials 497
Leaksville:
Election of mayor and commissioners 157, 443
Election on equalization of taxation and consolidation of functions in districts of town 157, 442
Township Public School District, election regulations 56
Lenoir County, election on proposed incorporation of Deep Run community 1093
Lumberton, election on extension of corporate limits 1190
McDowell County, Board of County Commissioners, terms of office 314
Macclesfield, conduct of municipal elections 1318
Magnolia, biennial election of mayor and commissioners 1288
Martin County:
Election on application of law relating to drainage of streams 585
Special elections on supplemental tax levies in certain school districts 203
Mayodan, town commissioners, number increased 45
Mecklenburg County, special election as to bond issue and tax levy for public library purposes 1178
Monroe, voting privileges of residents of annexed territory; additional wards 652
Mooresville:
ABC stores, election on establishment 1549
Election of town commissioners; terms, residence qualifications, filing fee 453

Page

Election and Election Laws—(Continued)
Local—(Continued)
Mooresville—(Continued)
Election on adoption of city manager form of government 438
Morehead City, notice of candidacy for municipal offices 915
Mount Airy, election of mayor and commissioners; division of town into wards 207, 741
Mount Holly, board of aldermen, election and terms of office 638
Murphy, municipal election laws; nomination of candidates 242
New Bern:
Charter amended as to election of aldermen 674
Election on city's participation in retirement system 670
Election on increased compensation for aldermen 669
Election on making municipal recorder an appointive officer 670
Election on reduction of mayor's salary 671
Newton:
ABC stores, election on establishment; inoperative upon call of county election 1659
Election of mayor and aldermen 70
Special election on city manager form of government 69
Oxford:
Election on city manager form of government 185
Terms of elective officials 452
Pamlico County, election of commissioners, law relating to, amended 112
Pasquotank County, Agricultural and Breeders' Association, election on creation of 1064
Pender County:
Board of Commissioners:
Election of members, law amended 178
Nomination of candidates, law amended 565
Board of Education, nomination and election of members 550
Pine Level, Board of Commissioners, membership increased 1319
Pitt County, election on supplemental tax levies in certain school districts 106
Plymouth, division of town into wards upon extension of corporate limits 161
Polk County:
Board of Education, election and terms 730
Tryon Township, election on tax levy for maintenance of recreation ground 902

Page

Election and Election Laws—(Continued)
Local—(Continued)
Raleigh, charter rewritten, including provisions regulating municipal elections 1442, 1466-1475
Ramseur, nomination and election of mayor and commissioners 210
Red Springs, conduct of municipal elections 1648
Richlands, elective officials, date of induction 473
Richmond County, election of county commissioners 883
Roanoke Rapids:
Election on city manager form of government 2
Special period for registration of voters of township 570
Robbinsville, certain officials and employees not required to be qualified voters of town 47
Rockingham City School Administrative Unit, nomination and election of board members 746
Rocky Mount City Administrative School Unit, election on issuance of school building bonds 675
Salisbury, ABC stores, election on establishment 1260
Sanford, election on city manager form of government 300
Shallotte, election on extension of corporate limits 5
Smithfield, election on abolition of fee system; salary of mayor 661
Southern Pines School District, special election on issuance of school building bonds 13
Spencer, ABC stores, election on establishment 1266
Statesville, prior municipal elections validated 1658
Surf City, selection of officers 511
Surry County, General County Court, election of assistant judge 1009
Tabor City ABC stores, election on establishment 1379
Thomasville:
Biennial elections; division of city into wards 213
Board of elections, general powers 215
Election laws amended as to absentee voting 217
Trenton, nomination and election of mayor and commissioners in convention 987
Valdese, election of mayor and town commissioners, law amended 183
Vance County, recorder's court, election of officials 408
Wake County, recorder's court of Cary, election of officials 1011
Wallace:
ABC stores, election on establishment 1407
Conduct of municipal elections 606

Page

Election and Election Laws—(Continued)
Local—(Continued)
Walnut Cove, ABC stores, election on establishment ... 1375
Warsaw, ABC stores, election on establishment ... 1413
Washington County:
Election and terms of commissioners ... 628
Recorder's Court, election of judge; term of office ... 1287
Washington Park, town officials, biennial election of ... 43
Whiteville, ABC stores, election on establishment ... 1379
Winston-Salem:
ABC stores, election on establishment of; inoperative upon call of county election ... 1684
Election laws revised ... 121
Wards, number increased and boundaries defined ... 123
Zebulon, notice of candidacy for office of mayor or commissioner ... 549

Electric Railway Companies:
Operation by electric interurban railway companies over municipal streets, law amended ... 491

Elizabeth City:
Charter amended so as to election and compensation of officials, public utilities commission ... 502

Embalmers:
Law relating to regulation and licensing of embalmers, amended ... 1075

Eminent Domain:
General:
Municipal corporations organized to construct and operate toll roads, eminent domain powers ... 1162
Time limitation on actions for damages against Highway Commission ... 1309

Local:
Forest City, charter amended as to eminent domain proceedings ... 641
Greensboro, City School Administrative Unit, condemnation powers ... 367
Hickory, charter amended as to eminent domain powers ... 289
Raleigh, charter rewritten; condemnation powers ... 1442, 1457, 1497

Employer and Employee:
Bus Act of 1949, qualifications and hours of service of certain employees ... 1329

Page

Employer and Employee—(Continued)
Conciliation and mediation of labor disputes, disclosure of confidential information acquired in, prohibited 694
Employment Security Law, Act amended 419-430, 527, 528, 972, 1096
Maximum Hour Law, amended; exemptions 1217
State Personnel Department, establishment; regulation of personnel practices 747, 1430
Workmen's Compensation Act, amendments to 68, 396, 1153, 1239

Employment Security Commission:
Employment Security Law, amendments to 419-430, 527, 528, 972, 1096

Employment Security Law:
Benefits, law amended 426-430
Contributions, law amended 421
Definitions, amendments as to 420, 421, 528, 972
Employer's coverage:
Period of 527
Termination of 426
Employer's reserve account 422-425, 1096
Exemption of services performed for nationally recognized veterans organizations chartered by Congress 972
Limitation on actions to determine liability or status of employer 426
Penalties, Act amended as to claimants convicted of embezzlement, etc. 430
Refunds of erroneous payments 426
Requisition of funds from account in Unemployment Trust Fund 420

Enfield, Town of:
Cotton weigher, compensation of 1435
Town commissioners, election on increase in number 744

Erwin, Town of
Fire department vehicles, right of way on streets, etc. 31
Harnett County Commissioners authority to enact ordinances as to street traffic 30
State highway and motor vehicles laws, applicable 30

Escheats:
Surplus properties of inoperative regulatory boards, escheat to U. N. C. 844
Unclaimed bank deposits, law amended 1230
Unclaimed funds held by life insurance companies, escheat to U. N. C. 704

Page

Estates:

General:

Administrators, nomination by persons renouncing right to administer ... 24

Administrators' notices, law amended as to publication ... 43

Adopted child having estate, appointment of guardian ... 277

Clerk of superior courts, payment to clerk of certain small sums due intestates ... 716

Corporate trustees, eligibility to act when will witnessed by stockholders ... 41

Creditors, publication of administrators' notice to, law amended ... 43

Final accounts, immediate settlement authorized in certain instances ... 53

Future interests, disposition of property held by a "class," when possibility of increase in membership within class ... 920

Judicial sales and execution sales, regulations and procedure ... 757, 775

Missing persons, procedure for administration of estates ... 580

Notice to creditors, publication not required in certain instances ... 52

School teachers and employees, administration of certain final salary payments by clerk of superior court ... 1177

Surety bonds of administrators, executors, etc. ... 1098

Local:

Carteret County, payment to clerk of superior court of small sums due intestates ... 20

Forsyth County, public administrator, surety bond; notice to creditors not required in certain instances ... 634

Richmond County, payment to clerk of superior court of small sums due intestates ... 64

Sampson County, payment to clerk of superior court of small sums due intestates ... 862

Eureka, Town of:

Election of town officials; terms of incumbent officials extended ... 460

Evidence:

General:

Birth registration card, prima facie evidence of contents ... 134

Blood tests, competency of, in civil and criminal actions ... 45

Confidential information acquired in conciliation of labor disputes, disclosure prohibited; exceptions ... 694

Page

Evidence—(Continued)
General—(Continued)
Exception to adverse ruling upon objection to admission of evidence not necessary 113
North Carolina Utilities Commission Procedure Act of 1949 1118
Seized devices used in illegal taking of game or fish, use in evidence 482
Supplements to General Statutes, status as evidence of laws 41
Threats against defendant in certain assault cases, competency under plea of self-defense 261
Local:
Forsyth County, facsimile copies of public records, admissibility as evidence 567
Wake County, admissibility of photostatic copies, photographs, etc., of public records 1294

Examining Boards:
Board of Chiropractic Examiners, law amended as to meetings; powers 892
Board of Examiners in Optometry, age requirements for taking examination, law amended 325
General contractors, licensing act amended as to definition 1062
Real estate agents, licensing law amended as to non-residents 707
State Board of Cosmetic Art Examiners, injunction proceedings to enforce sanitary regulations adopted under Cosmetic Art Act 500
State Board of Embalmers and Funeral Directors, appointment of members, regulatory powers; embalmer's license fees 1075

Execution Sales:
Law prescribing regulations and procedure 757, 775
Durham, County and City, regulation of sales of personal property levied upon for delinquent taxes 984

Executors and Administrators:
General:
Administrators, nomination by persons renouncing right to administer 24
Creditors, publication of administrator's notice to, law amended 43
Final accounts, immediate settlement authorized in certain instances 53
Future interests, disposition of property held by class, when possibility of increase in membership within class 920

Page

Executors and Administrators—(Continued)
General—(Continued)
Judicial sales, regulations and procedure 757
Missing persons, procedure for administration of estates 583
Notice to creditors, publication not required in certain instances 52
School teachers and employees, administration of certain final salary payments by clerk of superior court 1177
Small sums due intestates, administration by clerk of superior court 716
Surety bonds, law relating to, amended 1098

Local:
Carteret County, administration by clerk of superior court of small sums due intestates 20
Forsyth County, public administrator, surety bond; notice to creditors not required in certain cases 634

F

Fair Bluff, Town of:
ABC stores, election on establishment of; allocation of profits 1379
Acts of town in paving of streets and levying of assessments validated 47
Corporate limits extended 912
Delinquent taxes, collections for certain years payable into general fund 67
Municipal officers, primary election for nomination of 449
Recorder's Court, schedule of costs 294

Fairs and Expositions:
General:
Agricultural fairs, supervision of 943

Local:
Edgecombe County, taxation of fair associations, law repealed 557
Jones County, appropriation to Jones County Legion Fair authorized 177

Faison, Town of:
ABC stores, election on establishment of; allocation of profits 1418
Tax levies authorized 10

Farm Census Surveys:
Procedure for; compensation to counties 1666

Farm Demonstration Agent—See under particular County

Page

Farmers Mutual Fire Insurance Association:
Law amended, to raise limit of risk in any one county 695

Farms and Farming—See Agriculture

Farmville, Town of:
Mayor's Court, jurisdiction extended 93

Fayetteville, City of:
Bird sanctuary 847
Bureau of Identification for Cumberland County, contribution towards expenses 861
Civil Service Law, policemen and firemen, amended 855
Employees pension fund, law amended 964
Mayor's Court, appointment of assistant judge 433
Public Works Commission, election of members by city council 72

Federal Courts:
Procedure upon removal from or remand to State courts 917

Federal Government—See United States Government

Federal Grants-in-Aid:
General assistance to needy persons, State system established; acceptance of federal funds authorized 1186
Public education, provisions for acceptance and administration of Federal Aid 1310

Feeds:
N. C. Feed Law, amended 648

Fees—See Salaries and Fees

Fences and Stock Law:
Jackson County, Cashiers Township, election on creation of stock law territory 853

Fertilizers:
N. C. Fertilizer Law, amended 646

Fidelity Bonds—See Surety Bonds

Fiduciaries—See Executors and Administrators; Guardian and Ward; and Trusts and Trustees

Fire Insurance—See Insurance and Insurance Companies

Firemen and Fire Departments—See under particular City or Town

Firemen's Association, N. C. State:
Value of property to be held by, law amended 221

Page

Firemen's Relief Fund:

General:

Appointment of trustees, law amended 1211

Local:

Charlotte, Firemen's Retirement System, Act amended 838

Gastonia, Supplementary Pension Fund for fire department established 537

Mecklenburg County, Act amended as to disbursements 834

Wilmington, Firemen's Pension Fund, Act amended 708

Winston-Salem, Firemen's Retirement Fund Association, Act amended 840

Fires and Fire Protection:

General:

Municipal Fire Department Employees, rights and immunities, while performing duties outside corporate limits 68

Workmen's Compensation Act, members of fire department, compensability of fire department, certain heart diseases .. 1239

Local:

Erwin, fire department vehicles, right-of-way 31

Granville County, appropriations for Oxford fire department authorized 1391

Fish and Fisheries:

General:

Atlantic States Marine Fisheries Compact, appointment of N. C. members of commission; powers and duties 1253

Posted land, fishing without written consent of owner prohibited 1002

Seizure of devices used in illegal taking of fish; disposition; use in evidence 482

Setting of pound nets in Pamlico River between certain points prohibited; punishment 1175

Local:

Brunswick County, law relating to oyster bed leases; limitation of time for protesting leases 1174

Caswell County, sale of fish from private ponds by owners permitted 1663

Greensboro, powers of Fishing Commission revested in city council 691

Hyde County, swing nets, use of permitted in certain bays 1004

Macon County, law relating to fishing in certain streams, repealed 1561

Page

Fish and Fisheries—(Continued)
Local—(Continued)
Moore County, sale of fish from private ponds by owners permitted ... 1663
Onslow County, exemption of residents engaged in commercial fishing from portion of license taxes ... 1003

Flour:
Cereal products in used containers, prohibited ... 1115

Foods:
Bakery products containing certain souvenirs, etc., prohibited; grain cereals packed in used containers, prohibited ... 1114
Bread, standard loaf established ... 1143
N. C. Food, Drug and Cosmetic Act amended as to drugs deemed misbranded ... 343
Oleomargarine, law relating to sale and distribution amended ... 1108

Foreign Commerce:
Farm products for shipment in foreign commerce, exemption from taxation ... 1662

Foreign Corporations—See Corporations

Forest City, Town of:
Charter amended as to eminent domain proceedings ... 641

Forsyth County:
ABC stores, election on establishment of; allocation of profits ... 1684
Airport Commission, creation of ... 623
Board of Commissioners, membership increased; biennial elections 962
Board of Education, vacancy appointments ... 744
Clerk of Superior Court:
Act relating to keeping and destruction of certain public records ... 1089
Salary; continuation of special trust fund; investment of funds ... 470
Court Reporter, cost of transcripts ... 627
Dogs, vaccination of ... 635
Jurors, selection and terms of grand jurors; petit jury panel, number increased ... 579
Parking on school and church properties regulated ... 147
Public Administrator, bond of; notice to creditors not required in certain instances ... 634
Public records in offices of clerk of superior court, register of deeds, etc., photographing or photostating authorized ... 567

Page

Forsyth County—(Continued)
Register of Deeds, schedule of fees ... 162
Sheriff, compensation ... 409

Fortune Telling:
Anson County, practice prohibited; punishment ... 1569
Mecklenburg County, practice prohibited; punishment ... 1059

Fowls, Domestic:
Perquimans County, depredations of domestic fowls ... 1555

Fox Hunting:
Davidson County, closed season abolished ... 227
Swain County, open season defined ... 196
Yancey County, regulation of ... 833

Franchise Bus Carriers—See Bus Act

Franchise Haulers—See Motor Vehicles

Franchise Tax (Schedule C of Revenue Act):
Amendments ... 380

Franklin County:
Advance court costs, law amended ... 374
Bonds of certain townships validated; refunding bonds authorized 332
Clerk of superior court, schedule of fees ... 299
Compensation of certain officials and employees ... 205
Construction of school buildings, law relating to public building contracts amended ... 194
County commissioners, election of ... 147
Franklinton Township School District, certain real estate conveyances validated ... 171
Justices of the peace, sheriff, constables, schedule of fees ... 223
Law validating certain conveyances, amended ... 374
Officers' fees for capture of distillers ... 418
Recorder's Court, law amended as to jurisdiction of divorce actions; fees of jurors ... 852
Register of Deeds, schedule of fees ... 296
Sheriff and constables, process fees ... 224

Franklin, Town of:
Corporate limits extended ... 96

Franklinton, Town of:
Township School District, certain real estate conveyances validated 171

Page

Fraternal Orders:
Merger, consolidation or reinsurance of fraternal risks, law amended ... 1242

Fraud:
Fraud in procurement of motor vehicle title, made misdemeanor ... 328
Fraudulent removal or defacing of manufacturer's identifying marks on machinery, etc., made misdemeanor ... 1057

Fremont, Town of:
City School Administrative Unit, election on supplemental tax levy 431

French Republic:
Title to friendship gifts from French people vested in State ... 1220

Funeral Directors:
Law relating to regulation and licensing of, amended ... 1075

Fuquay Springs, Town of:
Recorder's Court, compensation of Recorder ... 616

Future Interests:
Disposition of property held by a "class," when possibility of increase in membership within class ... 920
Missing persons, unheard from for seven years, administration of estates ... 583

G

Game and Game Laws:
General:
Bag limits, law amended ... 1530
Deer hunting, prima facie evidence of violation of regulations 1531
Manner of taking game, law amended ... 1530
N. C. Wildlife Resources Commission, expenditure of funds from license fees ... 1528
Rabbits, sale or purchase for resale prohibited ... 1530
Seizure of devices used in illegal taking of game; disposition; use in evidence ... 482
Squirrels, sale or purchase for resale prohibited ... 1530
Trespass upon posted land, while hunting, made misdemeanor 1002

Local:
Davidson County, Fox hunting, closed season abolished ... 227
Fayetteville, bird sanctuary ... 847
Jackson County, keeping bears in captivity, prohibited ... 75
Morehead City, bird sanctuary ... 833
Robeson County, deer hunting regulated ... 851

Page

Game and Game Laws—(Continued)
Local—(Continued)
Swain County:
Keeping bears in captivity prohibited ... 75
Open season for fox hunting defined ... 196
Wake County, regulation of exhibition of wild game ... 836
Yancey County, regulation of fox hunting ... 833

Gasoline and Oil:
Gasoline tax, increase of; contingent upon election ... 1634, 1649
Inspection law, administration of, transferred to Department of agriculture ... 1410, 1692

Gaston County:
Domestic Relations Courts, application of general law to county ... 63
Gastonia, Planning and Zoning Commission created; powers extended beyond corporate limits ... 732
Harwell, Harry C., investigation and payment of claim ... 1676
Justices of the peace, bond required; violation of Act made misdemeanor ... 976
Sale of property to county, by Bessemer City, authorized ... 234

Gaston, Town of:
Incorporation of; officials designated; corporate limits defined; etc. 1393

Gastonia, City of:
Fire Department, supplementary Pension Fund established ... 537
Planning and Zoning Commission authorized; powers extended beyond corporate limits ... 732

Gates County:
Board of Education, referendum on increase of membership and method of nominations ... 1395
Recorder's Court, compensation of officials ... 686
Special tax levy for payment of salaries of certain officials ... 946

General Assembly:
Appropriations for purchase of chairs for Senate and House ... 1678
Attorney General's office, bonus to employees for legislative work 1539
Compensation of clerks and other employees ... 938
Resolutions—See Index Resolutions at end of volume
Salaries of members, proposed constitutional amendment relating to ... 1661
Session Laws and House and Senate Journals, distribution of, law amended ... 1434

Page

General Contractors—See also Public Contracts; Contracts and Purchases.
Building permits, law relating to issuance by municipalities, amended ... 1060
Licensing Act, amended as to definition of "general contractor" ... 1062

General County Courts—See County Courts

General Elections—See Elections and Election Laws

General Fund Bond Sinking Fund Act:
Amended, as to retirement of bonds for World War Veterans loans 674

General Sales Tax—See Revenue Act

General Statutes:
Cumulative supplements, as evidence of laws ... 41

General Statutes—Amended, Enacted, or Repealed:
(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Chapter 1 ... 787
Section 1-75 ... 42
1-98 ... 66
1-99 ... 173
1-108 ... 222
1-116 ... 224
1-116.1, new ... 225
1-121 ... 1307
1-125 ... 917, 1307
1-129 ... 111
1-131 ... 1098
1-153 ... 110
1-180 ... 82
1-218 ... 784
1-324, repealed ... 784
1-325, repealed ... 784
1-326, repealed ... 784
1-327, repealed ... 784
1-328, repealed ... 784
1-329 ... 787
1-330, repealed ... 784
1-331 ... 787
1-332 ... 788
1-333, repealed ... 784
1-334, repealed ... 784
1-335 ... 788

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment,* unless otherwise indicated.)

Section 1-336, repealed 784
1-337 784
1-338 784
1-339, repealed 784
1-339.1 et seq., new 757
1-505 784
1-584 918
2-16 49
2-16.1, new 49
2-24 91
2-25 91
2-28 337
2-29 412
2-36 374
2-42 1091
2-50 ..... 526, 1032
2-53 154
6-52 526

Chapter 7 740
Section 7-3 133
7-42 132
7-44 154
7-45 154
7-51 1271
7-70 ..... 231, 455, 456, 458, 459, 472, 714, 975, 986, 1133, 1284, 1286, 1320, 1516
7-91 1513
7-101 ..... 417, 1082
7-104 1074
7-110 613
7-113, repealed 1271
7-114 1271
7-115, repealed 1271
7-134 ..... 219, 223, 461, 632, 660, 834
7-186 ..... 670, 978
7-190 979
7-191 979
7-195 979

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 7-197 through 7-201 980
7-202 981
7-203 981, 1568
7-204 981
7-206 981
7-207 981
7-211 981
7-219 1287
7-234.1, new 1079
7-270 1009
7-271 1009
7-274 1009
7-285, repealed 1009
7-394 881
8-50.1, new 45
8-71 972
9-3 570
9-5 200, 527, 702, 913, 966, 1039, 1141
9-11 645
9-28 175
14-17 262
14-21 263
14-33 261
14-52 263
14-58 263
14-71 109
14-72 109
14-73 110
14-107 151, 309
14-117.1 968
14-197 959
14-269 1548
14-320 486
14-332 919
14-335 44, 181, 182, 209, 1005, 1394
14-359 65
14-416 1057
15-21 140

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 15-22 140
15-25 1435
18-25 55
18-32 1637
18-76 1378
18-77 1219
18-78 1104
18-78.1 1105
18-109.1, new 1099
18-113.1 1637
18-116.1 through 18-116.5, new 1637
19-1 1402
20-1 1410
20-7 ..... 589, 940
20-16 ..... 346, 1175
20-29 588
20-29.1 1315
20-38 ..... 924, 1679
20-51 435
20-79 587
20-80 1324
20-84 587
20-84.1, new 588
20-87 94
20-88 ..... 323, 329
20-96 ..... 589, 1536, 1646
20-97 410
20-111 328
20-117.1, new 1533
20-118 1534
20-118.1 1535
20-136.1, new 588
20-141 1073
20-152 1536
20-154 1152
20-155 1152
20-158 587
20-169 1073

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 20-218.1, repealed 137
20-227 1400
20-231 1175
20-252 1399
20-276 1538
25-15 1078
25-144 1079
28-6 24
28-34 1098
28-47 ..... 43, 52, 635
28-68 ..... 20, 64, 716, 862
28-72.1, new 784
28-74 784
28-75 785
28-76 785
28-78 785
28-80 785
28-81 785
28-90 785
28-91, repealed 785
28-92, repealed 785
28-93 ..... 785, 788
28-99 785
28-121.1, new 52
31-10.1, new 41
33-21 786
33-31 786
33-31.1 821
33-33 786
33-34 786
33-49 220
35-3.1, new 1116
35-4 92
35-4.1 92
35-10 786
35-11 786
35-12 786
35-31 1110
41-11.1, new 920

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Chapter 42 158
Section 42-22.1, new 158
42-23 103
42-34 1399

Chapter 45 803
Section 45-21.1, et seq., new 789
45-21.37, new 803
45-22 804
45-23 through 45-26, repealed 804
45-26.1 804
45-27 through 45-30, repealed 804
45-31 804
45-32 through 45-36 803
45-36.1 804
45-38 803
45-39, repealed 804
46-17 19
46-25 33
46-27 786
46-28 787
46-29, repealed 787
46-30 787
46-31 787
46-32, repealed 787
46-44 787
46-45, repealed 787
46-46, repealed 787
47-12 925
47-41 1557
47-43 54
47-43.1, new 54
47-50 487

Chapter 48 264
Section 50-1 227
50-5 ..... 227, 228, 414
50-6 227
50-8 227
51-3 1161

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 51-8.1 ..... 17, 52, 307
53-13 1148
53-58 927
53-92 345
53-141 1077
54-111 1195
54-117 1196
54-124 1195
55-41 442
55-41.2, new 940
55-43 1557
55-48 1044
55-66, repealed 1075
55-67 918
55-73 1057
58-27.1, new 1240
58-27.2, new 1241
58-39.4 through 58-39.6 1083
58-41 1084
58-41.1 1084
58-42 1084
58-51 1084
58-51.3, new 1314
58-52 1084
58-54.1 through 58-54.13, new 1299
58-158 258
58-159 258
59-177 414
58-226 through 58-228 170
58-303 1242
58-304 1242
58-304.1, new 1242
60-144 491
62-1 1147
62-2 1147
62-101.1, new 1147, 1173
62-10.2, new 1174
62-11 through 62-26 1118
62-26.1 through 62-26.14, new 1122

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 62-54 ... 1171
62-74 ... 1172
62-103 through 62-121, repealed ... 1355
63-38 through 63-44, repealed ... 973
63-46, repealed ... 973
63-48 ... 973
67-13 ... 103, 183, 320
68-19 ... 854
68-38 ... 1555
78-79 ... 785
81-2 ... 1113
81-2.1 ... 1113
81-3 ... 1113
81-4 ... 1113
81-5 ... 1113
81-6 ... 1113
81-8 ... 1114
81-8.1, new ... 1112
81-9 ... 1114
81-14.2 ... 1099
81-14.4 ... 1114
81-14.8 new ... 970, 1144
81-18 ... 1114
81-22 ... 1114
81-37 ... 1112
81-58 ... 1112
87-1 ... 1062
87-14 ... 1060
88-28 ... 500
88-28.1, new ... 500
88-29 ... 500
90-118 ... 325
90-144 ... 892
90-145 ... 893
90-154 ... 893
90-156 ... 893
90-203 ... 1075
90-204 ... 1076
90-206 ... 1076

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 90-207 ... 1076
95-17 ... 1217
95-36 ... 694
96-4 ... 419
96-5 ... 420
96-8 ... 420, 528, 972
96-9 ... 421, 1096
96-10 ... 425
96-11 ... 426, 527
96-12 ... 426
96-13 ... 429
96-14 ... 429
96-18 ... 430
97-2 ... 396
97-29 ... 1153
97-53 ... 1239
103-1 ... 1312
105-36.1, new ... 377
105-37 ... 1526
105-37 ... 379
105-41 ... 707
105-65.1 ... 1554
105-69 ... 889
105-79 ... 1554
105-85 ... 379
105-89 ... 379
105-98 ... 379
105-102 ... 582
105-116 ... 380
105-120 ... 381
105-138 ... 382
105-142 ... 382
105-144.1, new ... 1421
105-147 ... 383
105-149 ... 384, 1429
105-159 ... 384
105-160 ... 385
105-169 ... 385, 1665
105-187 ... 385

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 105-199 ... 386
105-228.7 ... 1084
105-241 ... 386
105-241.1, new ... 387
105-242 ... 388
105-244.1, new ... 388
105-250.1, new ... 388
105-266 ... 390
105-278 ... 83
105-297 ... 100, 1292, 1662
105-298 ... 820
105-302.1 ... 1058
105-327 ... 554
105-345 ... 847, 849, 1138
105-345(6) ... 87
105-404 ... 617
105-422 ... 51, 839
105-423.1 ... 233
105-429 ... 53
105-434 ... 1634
105-435 ... 1634
105-449 ... 1634
106-25 ... 1666
106-26 ... 1667
106-50.4 ... 646
106-50.5 ... 646
106-50.6 ... 646
106-50.15 ... 647
106-84 ... 942
106-93 ... 648
106-95 ... 648
106-99 ... 648
106-134 ... 343
106-150 ... 1217
106-225.1, new ... 1114
106-225.2, new ... 1115
106-233 ... 1108
106-226.1 through 106-226.6, new ... 934

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 106-234, repealed 1108
106-235 1109
106-236 1109
106-277 through 106-284.4 821
106-364 663
106-367 663
106-371 ..... 463, 636
106-372 ..... 463, 663
106-373 663
106-375 663
106-383 663
106-408 1137
106-409 1137
106-410 1137
106-411 1137
106-415 1137
106-421 1244
106-451 939
106-505 945
106-507 945
106-508 945
106-520.1 through 106-520.7, new 943
106-569 through 106-579, new 1402
108-15 1186
108-73.1, et seq., new 1186
110-40 1106
110-44 690
112-1 91
112-18 1398
112-34 1154
113-91 482
113-95 1528
113-101 1530
113-102 1530
113-104 1530
113-109 1531
113-111 227
113-144 1528

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 113-162 1003
113-163 1003
115-31.2 610
115-31.19, new 1176
115-38 1008
115-46 ..... 357, 851
115-65 1176
115-165 1245
115-189 1044
115-191 1044
115-192 1044
115-193 1045
115-196 1045
115-198 1045
115-204 1176
115-209 1176
115-302 1176
115-347 1310
115-351 1310
115-355 1310
115-361 1045
115-366 1247
115-368 ..... 1177, 1248
115-369 1248
115-370 1311
115-371 1177
115-374 78
116-23.1, new 704
116-24 1230
116-79 through 116-81 49
116-83 through 116-85 49
116-96 97
116-109 501
116-143 592
116-148 1192
Chapter 118 539
Section 118-6 1211
118-7 834

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 119-6 1411
119-23 through 119-26 1411
119-28 through 119-30 1411
119-31 through 119-34 1412
119-36 1412
119-39 through 119-44 1412
119-49 1692
119-51 1692
122-1.1, new 1532
122-79 1219
125-21 199
126-1 486
126-2 756
126-3 756
126-16 756
126-26 199
127-1 1322
127-2 1322
127-3 1323
127-4 1323
127-12 1559
127-30 1323
127-42 1323
127-79 1323
127-83 1668
127-102 1323
127-110.1, new 1324
128-21 ..... 198, 1152
128-24 ..... 1149, 1150
128-34 1129
128-36.1, new 1052
128-37, new 1149

Chapter 130 485
Section 130-39 ..... 988, 1356, 1385
130-44 989
130-45 989
130-46 991
130-47 992

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 130-48 992
130-58 through 130-60 993
130-66 ..... 133, 961
130-79 135
130-80.1, new 144
130-89 136
130-93.1, new 134
130-94 134
130-99.1, new 101
130-101 ..... 240, 282, 476
130-102 134
130-285 1231
130-289.1, new 495
130-292, new 485
131-28.2 326
131-28.4 through 131-28.6 326
131-28.8 326
131-88 1359
131-89 1359
131-120 598
131-121 1154
131-126.1 1046
131-126.4 1047
131-126.5 1047
131-126.17 1047
131-126.18 870
131-126.22 493
131-126.23 493
131-126.31 et seq., new 870
135-3 1214
135-4 1215
135-5 1215
135-15, repealed 1216
135-17, new 1216
136-19 1309
136-67 1545
136-71 357
139-6 233

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 139-15, new 233
142-52 674

Chapter 143 1563
Section 143-34.1, new 756
143-35 747
143-36 750
143-37 through 143-39 751
143-40 752
143-41 752
143-42 753
143-43 753
143-44 754
143-45 754
143-46 755
143-47 755
143-117 1230
143-128 1359
143-129 ..... 222, 446, 562
143-135 ..... 194, 1360
143-166 1213
143-180 1226
143-198.1, new 350
147-69 1441
147-69.1 179
148-85 through 148-87, new 327
148-88, new 328
152-5 1036
153-4 962
153-9 ..... 1536, 1555
153-10 85
153-77 ..... 322, 344, 870, 1664
153-78 492
153-92 492
153-102 155
153-142.9 through 153-142.11 162
153-180 ..... 64, 305
156-81 1081
156-93.1, new 1546

Page

General Statutes—(Continued)

(*Note:* Reference is to *amendment*, unless otherwise indicated.)

Section 159-7 ... 1252
159-42 ... 1054
159-49.2, new ... 968
160-2 ... 303, 1063
160-54 ... 971
160-55 ... 600
160-56 ... 1060
160-65 ... 321, 322
160-141 ... 1201
160-146 ... 1201
160-161 ... 348, 1529
160-175 ... 611
160-178 ... 1109
160-198 ... 1250
160-200 ... 5, 321, 1317
160-200(25) ... 79
160-200(31) ... 682
160-200(32) ... 600
160-238 ... 68
160-273 ... 18
160-279 ... 562
160-378 ... 1117
160-379 ... 492
160-387 ... 492
160-389 ... 155
160-402 ... 101
160-417 ... 1244
161-2 ... 946
161-6 ... 225
161-10 ... 337, 615, 685
162-6 ... 1203
163-1 ... 691
163-11 ... 693
163-43 ... 1040
163-44 ... 1041
163-45 ... 1041
163-46 ... 1041
163-47 ... 1043

Page

General Statutes—(Continued)
(*Note:* Reference is to *amendment*, unless otherwise indicated.)
Section 163-48 1043
163-49 1043
163-50 1043
163-51 1043
163-77.10 693
163-108 693
163-119 693
163-144 693
163-147 1059
163-155 693
163-187.1 278
163-207, new 499
165-2 435
165-5 436
165-6 1690
169-59 303

Gibson, Town of:
Police officers, jurisdiction extended beyond corporate limits 1298

Gibsonville, Town of:
Carnivals, regulation of 634
Jurisdiction of police officers and Mayor's Court extended 738

Ginneries, Public:
Registration of cotton received; numbering of bales 939

Goldsboro, City of:
Conveyance of land to State for military purposes authorized 1665
Police powers extended to include Seymore Johnson Army Airfield area 859
Primary elections; time for holding 187

Goldston, Town of:
Levy of ad valorem tax authorized 51

Governor—See under State Officials

Governor's Committee on Interstate Cooperation:
Membership, law amended 1226

Governor's Mansion:
Appropriation for remodeling 730

Graded School Districts—See under Schools and School Districts

Page

Grading of Roads:
Surplus materials from grading made available to adjoining land owners 1234

Graham County:
Carnivals and vaudeville shows prohibited 1003
Compensation of county commissioners and certain other officials 202
Public drunkenness, law amended as to punishment 181

Graham, Town of:
Public Utilities Commission, law repealed 533

Grain Cereals:
Use of products packed in used containers prohibited 1115

Grand Juries—See Jurors and Juries, or under particular County

Granite Quarry, Town of:
Poll tax increase 687

Grants-in-aid:
General assistance to needy persons, State system established; acceptance of federal funds authorized 1186
Public education, provisions for acceptance and administration of Federal aid 1310

Granville County:
Fees of jurors 684
Fees of sheriff 912
Justices of the peace, schedule of fees 395
Oxford fire department, authority to appropriate funds to 1391
Recorder's Court, appointment of associate judge 32
Witness fees 912
Zoning regulations, publication of notice for public hearings 611

Gravestones:
Inscriptions charging commission of crime prohibited 1234

Greater University of North Carolina—See University of North Carolina under State Institutions

Greene County:
ABC store profits, law relating to distribution amended 464
Board of Commissioners, compensation of members 450
Board of Education, compensation of members 450
Deputies sheriff, compensation 218
Emergency bonus for county employees and officials 248

Page

Greensboro, City of:

Bessemer Sanitary District, election on consolidation with city 1680
Charter, amended as to lease of city-owned property 1657
City council authorized to delegate powers and duties as to operation of City Lake 691
City School Administrative Unit:
Lease of certain property for stadium authorized 11
Public School Code 358, 1096
Sale and exchange of property by trustees 8
Contracts, procedure for letting of public contracts, law amended 446
Corporate limits, extended 1085
Guilford County Board of Health, appointment of members; city appropriations towards operation 863
Investment of certain surplus funds 850
Juvenile Court, election of assistant judge; duties 690
Municipal-County Court, Act amended 717
Real estate subdivisions, recording of plats 994
Registered electors for Guilford County general election, Greensboro precincts, transfer to city registration books 688
Taxes, discounts and penalties 849
World War Memorial Commission, transfer of powers and duties 709

Greenville, City of:

Appropriations to supplement retirement benefits of certain municipal employees 563
Recreation and playground activities, appropriations for, authorized 451
Tar River Port Commission, law amended as to issuance of revenue bonds or notes 1560

Guardian and Ward:

Adoption of minors, law rewritten; appointment of guardian in certain cases 264, 277
Ancillary guardian, appointment for non-resident wards having real property in State 1116
Divorce action against insane person on grounds of insanity; duty of guardian 229
Foreign guardian, procedure for removal of ward's personalty 220
Future interests, disposition of property held by a "class," when possibility of increase in members of class 920
Insane persons, proceedings for discharge of guardian after restoration of sanity 92
Judicial sales, regulations and procedure 757

Page

Guardian and Ward—(Continued)
Missing persons, appointment of guardian ad litem in administration proceedings ... 583
Procedure for sale of ward's estate in county in which guardian does not reside ... 821

Guilford County:
ABC store profits, division between county and municipalities, if stores established ... 1565
Beer and wine:
Law amended as to license fees ... 1378
Sale near Allen Jay School, prohibited ... 1071
Bingo, law regulating game, applicable to county ... 563
Board of Health, creation, appointment of members, powers, duties, etc. ... 863
Clerk of Superior Court, schedule of fees and commissions ... 719
Court Reporters, employment, duties, supervision, compensation, etc. ... 478
Discounts for prepayment of taxes ... 355
Dogs, operation of dog pounds; anti-rabies vaccinations; dog tax credits ... 463
Domestic Relations Court, Act amended to apply to county ... 740
Elections boards of county and High Point, authority to establish voting districts in city ... 951
Gibsonville, police jurisdiction extended beyond corporate limits ... 738
Greensboro City Administrative Unit, sale and exchange of property, approval of county commissioners ... 9
Greensboro, merger of Sanitary District; separate taxing districts 1680
Jurors for superior court, law amended as to drawing of jury panel 570
Justices of the peace, law relating to fees amended ... 469
Municipal-County Court, Act amended ... 717
Public contracts, procedure for letting, law amended ... 446
Recording of plats of real estate subdivisions, regulations ... 994
Register of deeds, Act amended as to fees ... 615
Registered electors for county general election, Greensboro precincts, transfer to city registration books ... 688
Revaluation of property for taxation; prepayment of taxes; discounts ... 355
Salaries of sheriff, register of deeds and clerk of superior court; disposition of fees ... 201

Page

H

Halifax County:
ABC Board, appointment of members ... 1308
Bingo, game permitted in connection with certain fairs, etc. ... 1072
Clerk of superior court, annual reports, period covered ... 375
Delinquent taxes, settlements and adjustments by board of commissioners ratified ... 86
Group insurance for employees of municipalities ... 1317
Law Enforcement Officers' Relief Act; creation and administration of funds ... 1193
Record-playing machines, regulation authorized ... 1691
Recorder's Court, compensation of officials; special terms in Roanoke Rapids ... 926
Roanoke Rapids Township, special period for registration of voters ... 570
Salaries of certain officials, increases authorized ... 1521
School plant facilities, bond issues for ... 344
Scotland Neck, court costs in criminal cases, certain fees taxed ... 642
Tales jurors, drawing; disqualification ... 645

Hamlet, Town of:
Fees of jailer ... 78
School Administrative Unit, election of board members ... 1026

Hancock, George H.:
Justice of the peace, official acts during certain period validated ... 22

Handicapped Persons:
Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped, establishment of ... 1539

Harmony, Town of:
Conduct of municipal elections ... 1313

Harnett County:
Amplifying systems, etc., regulation of ... 494, 1087
Board of commissioners, compensation of members; publication of financial statement ... 909
Carnivals and similar shows and amusements, regulation authorized ... 85
Clerk of superior court, schedule of fees and costs ... 956
Delinquent tax collections for certain years, payment into general fund ... 475, 1283
Dunn ABC stores, law authorizing referendum; inoperative upon call of county election ... 1387

Page

Harnett County—(Continued)
Dunn Recorder's Court, election of solicitor 855
Erwin, adoption by county of traffic ordinances, etc., applicable to streets of 30
Law granting Wake County commissioners jurisdiction over certain area repealed 863
Quitclaim of certain property to J. Paul Davis authorized 539
Recorder's Court:
Election of solicitor; compensation 975, 1675
Judge, law amended as to term of office 856
Register of Deeds:
Minimum fees 957
Term of office 856
State motor vehicles laws applicable to streets, etc., of Erwin 30
Tax liens, statute of limitations 233

Harriss, W. N.:
Pension payments from New Hanover County, authorized 1051

Hayesville, Town of:
Corporate limits, extension of, authorized 1021
Creation of Hayesville-Clay County Planning Board, authorized 397
Mayor and commissioners, election and salaries of 25

Haywood County:
Assistant clerk of superior court, salary 60
Carnivals and vaudeville shows prohibited 1003
Memorial association for establishment of veterans' cemetery 105
Tax Supervisor and Tax Collector, salary 60

Health—See Public Health.

Heart Diseases:
Firemen, compensability of certain heart diseases under Workmen's Compensation Act 1239

Henderson, City of:
Election of aldermen, law amended 88
Municipal court, consolidation with recorder's court of Vance County 408

Henderson County:
Compensation of certain officials and employees 440
Special debt service funds, transfer to schools 257
Special tax levy for benefit of non-profit hospitals, authorized 596

Page

Henderson County—(Continued)
Tax foreclosure suits, authority of clerk of superior court to destroy records in certain cases; maintenance of index 597
Veterans Service Officer, salary; tax levy authorized 498, 916

Hendersonville, City of:
Adjustment of delinquent taxes and street assessments authorized 77
Board of Water Commissioners, R. C. Sample appointed as member 242
Discounts for prepayment of taxes, city exempt from general law 87

Hertford County:
Board of commissioners, authority to fix salaries of certain county officials 897
Election on tax levy for benefit of Roanoke-Chowan Hospital, Inc. 900
Marriage licenses, Act regulating issuance to non-residents of State amended to exempt county 307
Recorder's Court, transfer of cases to superior court upon demand for jury trial 254

Hertford, Town of:
ABC stores, election on establishment of; allocation of profits 1430

Hickory, City of:
Aldermen, election on increase in length of terms authorized 977
Charter amended as to authority to levy taxes; tax lien on real estate 505
Charter amended as to elections, council meetings, eminent domain powers 289
Civil Service system, establishment authorized 252
Mayor, election and term 504

High Point, City of:
Firemen's Pension and Disability Fund, law amended as to contributions by city 560
Guilford County Board of Health, appointment of members; city appropriations 863
Municipal Court:
Compensation of court officials 736
Officials authorized to issue criminal processes 737
Real estate subdivisions, regulation of recording of plats 994
Salary reductions of employees, law amended 504
Voting districts, establishment by county and city boards of elections 951

High Schools—See Schools and School Districts

Page

Highway Commission—See State Highway and Public Works Commission under State Departments

Highway Patrol—See State Highway Patrol

Highway Safety Act:
Motor vehicle inspection law repealed 137

Highways—See Roads and Highways

Historical Commissions:
Lenoir County Historical and Patriotic Commission, creation, powers, duties, etc. 857
Transylvania County Historical Commission, creation; membership, powers, duties, etc. 1296

Hogs:
Martin County, hog cholera prevention program authorized 176

Hoke County:
Clerk of superior court, schedule of fees and costs 956
Constables, record of arrests required to be filed 1652
Conveyance of certain lands to board of education authorized 1291
Law relating to landlords and tenants, application to county 65
Register of deeds, minimum fees 957
Stream forming boundary between Scotland and Hoke counties, proper designation as Lumber River 566

Holidays:
State employees, holidays, vacations, etc. fixed by State Personnel Director 752, 1430

Holly Ridge, Town of:
ABC stores, allocation of percentage of net profits to town 1386

Holly Springs, Town of:
Issuance of license for sale of beer or wine near certain church prohibited 1567

Home Demonstration Agents—See under particular County

Horse Racing:
Currituck County Racing Commission, election on creation of 543
Pasquotank County, Agricultural and Breeders' Association, election on creation of 1064

Hospital Facilities Act:
Amendments, relating to bond issues, tax levies, etc., for hospitals and facilities 870

Page

Hospital Licensing Act:
Amended ... 1046

Hospitals:
General:
Bond and tax levy elections, result determined by majority of those voting ... 492
Commission for Study of Problems of Care of the Aged and Intellectually or Physically Handicapped ... 1539
Counties and municipalities, appropriations, tax levies, bond issues for non-profit hospitals ... 876
County Hospital Act amended as to election requirements ... 326
Hospital districts, creation authorized; bond issues, tax levies, etc. for hospitals and facilities ... 870
Hospital Licensing Act, amended ... 1046
Municipal Hospital Facilities Act amended as to elections ... 492
N. C. Hospitals Board of Control:
Camp Butner property:
Construction, etc., of buildings, without complying with G. S., Ch. 143, Art. 8 ... 1563
Prison for youthful offenders; employment of prisoners by board ... 259
Regulatory powers; disposition of surplus lands ... 58
Employees placed under merit system ... 486
Establishment of facilities for treatment of alcoholics ... 1531
N. C. Medical Care Commission, State-wide plan for hospital construction, etc. ... 598
Premature births, notice to local health authorities required; care of infants ... 485
Private hospitals for mentally disordered, examination and commitment, law amended ... 1219
Veterans' Hospital at Oteen, appropriation for improvement of guest house ... 1552

Local:
Cleveland County, hospital bonds, investment of proceeds ... 418
Columbus County Hospital, appointment and terms of trustees 467
Henderson County, special tax levy for benefit of non-profit hospitals authorized ... 596
Hertford County, election on tax levy for benefit of Roanoke-Chowan Hospital, Inc. ... 900
Lee County, appointment of hospital trustees; terms of office ... 445
Pender County, appropriation of surplus funds for purchase of hospital site ... 298

Page

Hospitals—(Continued)
Local—(Continued)
Pitt County, appointment of hospital trustees; terms of office 985
Richmond County Memorial Hospital, delegation of certain authority to trustees 903
Scotland County, pledge of certain funds to guarantee operating deficit of Memorial Hospital authorized 28

Hospitals for Insane—See State Hospitals for Insane under State Institutions

Housing Authorities:
Employees, eligibility for participation in retirement system 198

Housing Laws:
Mutual housing associations, non-profit corporations, organization authorized, for veterans' low-rent projects 1195

Hudson, Town of:
Election laws amended; powers of taxation; appeals from mayor's court 432
Act repealed 1266

Huntersville, Town of:
Compensation for special services in utilities and tax departments 636

Hunting—See Game and Game Laws

Husband and Wife: (See also Divorce and Alimony; Marriage and Marriage Licenses)
Abandonment, of wife by husband; of children by either parent 919
Annulment of Marriage:
Defense after judgment on substituted service, law amended 222
Persons under minimum age, effect of pregnancy or birth of child 1161
Service of summons by publication 66
Custody of children of parents divorced outside of State 1148
Divorce proceedings:
Insanity as grounds for, law amended 228
Jurisdiction of actions for divorce and alimony, law amended 227
Residence requirements, law amended 227, 414
Income tax, payments for support of divorced or estranged spouse deductible; limitations 383

Page

Hyde County:
Board of Commissioners, nomination and election of members 1391
Commercial fishing, use of swinging nets in certain bays permitted 1004
Public health, special tax levy for certain purposes authorized 926

I

Identification and Investigation Bureaus:
Columbus County, bureau of identification, establishment of 468
Cumberland County, bureau of identification, establishment of 861

Illegitimate Children:
Birth certificate, contents 135

Income Tax (Article 4, Schedule D) Revenue Act:
Amendments 382-385, 1421, 1429

Incompetents—See Insane Persons and Incompetents

Indemnity Bonds—See Surety Bonds

Indians:
Cherokee Historical Association, Inc., appropriation for developing dramatic production 1224

Indigents:
General:
Appointment of legal counsel for indigent defendants in capital cases 85
Commission for Study of Problems of Care of the Aged and Intellectually or Physically Handicapped Persons 1540
General assistance to needy persons, establishment of system; federal grants-in-aid; etc. 1186
Payments into court for indigent children, law amended 154

Local:
Cumberland County:
Special tax levy for poor, increase in rate 171
Use of ABC store funds for poor relief and tubercular hospital 195
Reidsville, aid and support of indigent citizens authorized 148

Industrial Banks:
Loans and discounts; law amended; advance deduction of interest 1077

Industrial Commission—See North Carolina Industrial Commission

Page

Inebriates:
Law relating to confinement and hearings amended 1110
N. C. Hospitals Board of Control, establishment of facilities for treatment of alcoholics 1531

Infants: (See also Minors)
Abandonment of children by either parent, penalty for 919
Act to protect children born to parents marrying under minimum age 1161
Adoption law rewritten 264
Custody of children of parents divorced outside of State 1148
Premature births, notice to local health authorities by physicians or midwives; care of infants 485
Separating child under six months old from mother, certain cases unlawful 486

Inheritance Tax (Article 1, Schedule A), Revenue Act:
Amendments 617

Injunctions—See Civil Procedure

Insane Persons and Incompetents:
Alcoholics, establishment of facilities for care and treatment of 1531
Ancillary guardian, appointment for non-resident wards having real estate in State 1116
Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped 1539
Divorce on grounds of insanity, law amended 228
Inebriates, temporary confinement pending hearing 1110
Judicial sales, regulations and procedure 757
Payments into court for persons non compos mentis, law amended 154
Private hospitals for mentally disordered, examination and commitment, law amended 1219
Proceedings for restoration of sanity and discharge of guardian 92
Removal of ward's personalty from State by foreign guardian 220
Sale of ward's estate in county in which guardian not resident 821

Inspections:
Motor vehicle inspection law repealed 137

Institutions—See State Institutions

Instruments-in-Fact:
Acknowledgment and execution of, law amended 54

Insurance Advisory Board:
Public hearings as to change of rating schedules 1240

Page

Insurance and Insurance Companies:

General:

Adjusters of insurance claims, regulatory law amended....1083, 1572

Bus Act of 1949, liability and property damage insurance required....1340, 1677

Farmers Mutual Fire Insurance Association, law amended to raise limit of risk in any one county.... 695

Fire insurance, form of standard policy, law amended.... 414

Fire insurance policies, limitation upon amount of insurance and length of term; company's liability limited.... 258

Fraternal orders, merger, consolidation or reinsurance of fraternal risks, law amended.... 1242

Intangibles tax on deposits of foreign insurance companies, exemption.... 386

License taxes for insurance claim adjusting services....1083, 1572

Licensed agents, companies and agents to transact business through.... 1314

Motor Vehicle Safety and Responsibility Act, amendments to....1107, 1175, 1399, 1400, 1538

Public school buildings, insurance of by State.... 1436

Rating schedules, public hearings on question of approval.... 1240

Unclaimed funds held by life insurance companies; definition; disposition of.... 704

Unfair Trade Practices.... 1299

Local:

Currituck County, insurance on school property, Act relating to repealed.... 130

Halifax County, group insurance for employees of municipalities.... 1317

Mecklenburg County, purchase of life insurance from Firemen's Relief Fund.... 834

Insurance Commissioner—See under State Officials

Intangibles Tax (Schedule H of Revenue Act):

Amendments.... 386

Interest:

Industrial banks, rate of interest on loans; advance deduction of interest.... 1077

Interim Pay Fund:

Annual payments from fund to quartermaster, United Spanish War Veterans.... 496

Page

Interstate Cooperation:
Atlantic States Marine Fisheries Commission, establishment 1253
Governor's Committee on Interstate Cooperation, membership, law amended 1226

Intestates—See Estates

Intoxicating Liquors—See Alcoholic Beverages

Investments:
General:
Fiduciaries authorized to invest in School Plant Construction, Improvement and Repair Fund bonds 1158, 1628
Local governmental units, investment of bond proceeds pending use 968
State Treasurer as trustee of Spanish American War Relief Fund, authority to invest funds 496
Surplus state funds, duties of State Treasurer and Governor as to investment 179
Local:
Chowan County, temporary investment of school building bonds proceeds 962
Cleveland County:
Hospital bonds, investment of proceeds 418
School building bonds, investment of proceeds 221
Durham (City), temporary investment of proceeds of certain bonds authorized 177
Forsyth County, clerk of superior court, investment of special trust funds 470
Greensboro, temporary investment of surplus proceeds from bond sales 850

Iredell County:
Drainage District No. 1, appointment of commissioners; prior acts ratified 1519
Drainage districts, commissioners authorized to cooperate with federal government; procedure for assessments 1671
Mooresville, ABC stores, election on establishment of; inoperative upon call of county election 1549
Motor vehicle races on Sunday prohibited 346
Register of deeds, compensation 313
Resident Judge of Superior Court, appointment of members of Statesville Civil Service Board 577
Rowan-Iredell County Drainage District No. 2, establishment of 1668

Page

Iredell-Rowan County Drainage District No. 1:
Appointment of commissioners and prior acts ratified; reappointment authorized ... 1519

J

Jackson County:
Board of Equalization and Review, meetings ... 1130
Cashiers Township, election as to stock law territory ... 853
Chattel mortgages, fees for probate and registration ... 1433
Jailer, compensation of; jail fees prescribed ... 1073
Justices of the peace, schedule of fees ... 219
Keeping bears in captivity prohibited ... 75
Law library, establishment and maintenance ... 1561
Taxes, transfer of certain delinquent collections to general fund ... 1130

Jacksonville, Town of:
ABC stores, allocation of net profits ... 1386
Population of town fixed ... 557

Jails and Prisons:
General:
Detainer of prisoners to account for other pending charges, limitations; procedure prescribed ... 280
Inebriates, temporary confinement pending hearing ... 1110
Municipal corporations, power to establish and operate jails ... 1063
Prison Advisory Council, creation; membership, etc. ... 327
Tubercular prisoners, medical care; responsibility for safekeeping ... 1359
Youthful offenders, prison for, at Camp Butner, establishment and operation ... 259

Local:
Caswell County, jail fees taxed as costs in criminal cases ... 739
Columbus County, fees of jailer ... 410
Creedmoor, jail fees taxed as part of costs, payable to town ... 394
Hamlet, fees of jailer ... 78
McDowell County, fees of jailer ... 305
Scotland County:
Fees of jailer ... 64
Turnkey fees for admission and release of prisoners ... 683
Scotland Neck, jail fees taxed as costs in criminal cases ... 642
Stanly County, fees for feeding prisoners authorized ... 139
Transylvania County, jail fees ... 621

Page

Jennings, R. D., Dr.:
Refund of Schedule B license tax ... 1208

Johnston County:
Archer Lodge School District, use of special funds for additional teacher authorized ... 868
Audit of fiscal affairs of county authorized ... 1030
Bentonsville Township, election on use of special tax funds for community house ... 1316
Board of Education, transfer of school sinking fund securities, etc., to county treasurer ... 868
Clayton Municipal Court and police officers, jurisdiction extended ... 983
Clayton School District, use of surplus funds for school lunch room 728
Constables, record of arrests required to be filed ... 1652
Delinquent tax collections for certain years, allocation to general fund; exceptions ... 1162
Micro School District, election on school building bonds and special tax levy ... 904
Sale of alcoholic beverages and gambling near certain church prohibited ... 1145
Tax Supervisor, appointment ... 533

Jones County:
Board of Commissioners, appropriation to Legion Fair authorized ... 177
Board of Education:
Membership increased; nomination and election of members 131, 1570
Transfer of surplus school debt service funds to other accounts ... 553
Board of equalization and review, time of meetings; actions validated ... 255
Punishment for issuance of worthless checks ... 151
Superior Court, compensation of jurors ... 1141

Judges, Superior Court: (For Judges of inferior Courts, see under particular court)
General:
Appointment of counsel for indigent defendants in capital cases 85
Capital crimes, instructions to jury as to punishment by life imprisonment ... 262
Charge to grand jury, law relating to Judge's duties amended ... 175
Charge to jury in civil and criminal cases, duties of Judge defined ... 82
Civil actions arising out-of-state, non-resident parties, power of judge to dismiss ... 696

Page

Judges, Superior Court—(Continued)
General—(Continued)
Compensation and expense allowance 132, 1401
Demurrers, hearing out of term 111
Federal courts, procedure upon removal from or remand to State courts 917
Guardian, sale of ward's estate, approval by judge 821
Judicial Council, establishment of 1209
Judicial sales and execution sales, regulations and procedure 757, 775
Justices of the peace, appointment and removal by resident judge 1269
Juvenile Courts, law relating to appeals from, amended 1107
Motions to strike, hearing out of term 110
N. C. Utilities Commission Procedure Act of 1949; extent of review on appeal from commission 1126
Pre-trial hearings in civil cases 415
Proposed constitutional amendments:
Assignment of judges by Chief Justice 882, 1523
Election of judges 391
Jurisdiction of special judges 882, 1523
Retired judges, law relating to compensation amended 1271
Special judges, appointment of 702

Local:
Statesville, appointment of members of civil service board by resident judge 577

Judgments:
Defense after judgment on substituted service, annulment actions excepted 222
Deficiency judgments in certain cases involving conditional sales contracts 967
Execution and judicial sales, regulations and procedure 757, 775
Judgment overruling demurrer, time for filing answer thereafter 1098

Judicial Council:
Establishment of 1209

Judicial Districts: (For Acts limited to individual County, see under particular county)
Constitutional amendment, proposal as to jurisdiction of special judges, and as to assignment of judges 882, 1523

Judicial Sales:
Law prescribing regulations and procedure 757

Page

Junk Dealers:
Law amended as to license tax ... 582

Jurors and Juries:
General:
Capital crimes, punishment by life imprisonment upon jury recommendation ... 262
Fees of jurors in superior courts, law amended ... 1039
Grand juries, law relating to duties amended ... 175
Judge's charge in civil and criminal cases, duties of judge defined ... 82

Local:
Anson County, jury trials in criminal county court ... 881
Avery County, fees and travel allowance of jurors ... 449
Bertie County, fees and travel allowance of jurors ... 913, 1039
Caswell County, recorder's court, jury trial; jury fees ... 229
Chapel Hill, recorder's court, transfer of cases to superior court upon demand for jury trial ... 247
Cherokee County, selection of grand jury; terms; fees of jurors 152
Columbus County, grand jurors, terms ... 468
Currituck County, recorder's court, trial by jury; jury fees ... 238
Davidson County, fees and travel allowances of jurors ... 527
Dunn, recorder's court, trial by jury; deposit required ... 1140
Duplin County, compensation of jurors ... 702
Forsyth County, selection of grand and petit jurors ... 579
Franklin County, recorder's court, fees of jurors in divorce actions ... 852
Granville County, fees of jurors ... 684
Guilford County, superior court, drawing of jury panel ... 570
Halifax County, tales jurors, drawing; disqualification ... 645
Hertford County, recorder's court, transfer of cases upon demand for jury trial ... 254
Jones County, superior court, compensation of jurors ... 1141
Moore County, recorder's court, jury trials; remand of cases from superior court ... 737
Northampton County, payment of certain unclaimed fees to school fund ... 742
Onslow County, procedure for excusing women from jury service ... 729
Randolph County, fees of jurors ... 966
Reidsville, recorder's court, trial by jury; jury fees ... 235

Page

Jurors and Juries—(Continued)
Local—(Sontinued)
Rockingham County:
Leaksville Township Recorder's Court, jury trials; fees of jurors 84
Reidsville Recorder's Court, jury trials; fees of jurors 84
Rutherford County, disposition of unclaimed fees of jurors 218
Surry County, general county court, trial by jury; etc. 1009
Swain County, fees of jurors; mileage allowances 200
Wake County, recorder's court of Cary, etc.; trial by jury 1016
Yancey County:
Compensation of jurors 630
Jury Commission abolished 630

Justice, State Department of—See under State Departments

Justices of the Peace:
General:
Act relating to appointment and removal; abolition of fee system; many counties exempt 1269
Biennial appointments 805-819
Act amended as to:
Currituck County 1678
McDowell County 1229
Pender County 1568
Washington County 1564
Wilkes County 1565
Campbell, P. C., official acts within certain period validated 22
Hancock, George H., official acts within certain period validated 22
McNeill, W. L., official acts within certain period validated 558
Turner, R. B., official acts within certain period validated 558
Warrants, execution without endorsements 140
Local:
Catawba County, fees of 319
Chatham County:
G. H. Hancock, acts validated 22
Schedule of fees 1032
Cleveland County, ejectment proceedings, defendant's undertaking upon removal to recorder's court 959
Davidson County, schedule of fees 660
Durham County, schedule of fees, civil and criminal cases 291

Page

Justices of the Peace—(Continued)
Local—(Continued)
Edgecombe County, additional fees 685
Franklin County, schedule of fees 223
Gaston County, bond required; functioning without bond, made misdemeanor 976
Granville County, schedule of fees, civil and criminal cases 395
Guilford County, law relating to fees amended 469
Jackson County, schedule of fees 219
Mitchell County, official acts of R. B. Turner and W. L. McNeill, as justices of the peace, validated 558
Moore County, schedule of fees 1139
Nash County, schedule of fees 617
Person County, schedule of fees in civil and criminal cases 159
Polk County, schedule of fees 834
Richmond County, schedule of fees; monthly reports to clerk of superior court 460
Robeson County, schedule of fees 632
Act amended 1038
Stokes County:
Fees of justices in civil and criminal cases 590
P. C. Campbell, acts validated 22
Surry County, issuance of warrants 1009
Union County, schedule of fees amended 307

Justices, Supreme Court:
Compensation 133, 1401
Judicial Council, establishment of 1209

K

Kenansville, Town of:
ABC stores, election on establishment of; allocation of profits 1416

Kings Mountain, City of:
School building bonds, investment of proceeds of sale 221
School trustees, biennial election 129

Kure Beach, Town of:
Charter amended, as to appointment of town officials; elections; salaries; etc. 592, 1401

L

Labor, Commissioner of—See under State Officials

Page

Labor Laws:
Bus Act of 1949, qualifications and hours of service of certain employees 1329
Conciliation and mediation of labor disputes, disclosure of confidential information acquired in, prohibited 694
Employment Security Law, Act amended 419-430, 527, 528, 972, 1096
Maximum Hour Law, amended; exemptions 1217
State Personnel Department, establishment; regulation of personnel practices 747, 1430
Workmen's Compensation Act, amendments to 68, 396, 1153, 1239

Landlord and Tenant:
General:
Ejectment proceedings, appeals to superior court 1399
Failure of tenant to account for proceeds of certain tobacco sales made misdemeanor 158

Local:
Hoke County, G. S. 14-359 made applicable 65
Montgomery County, law relating to agricultural tenancies made applicable 103

Landplaster:
Law relating to method of payment of tonnage fees, amended 942

Laurinburg, Town of:
Charter amended as to terms of town officers; vacancy appointments 497
Markets, regulation and control of, authorized; purchase or lease of certain property 1654
Police jurisdiction extended beyond corporate limits 249
Private sale of certain land authorized 928
Street improvement assessments validated 375
Traffic bureau, penalties for violations; procedure before bureau 591

Law Enforcement Officers: (For salaries and fees—see that title or under particular local unit)
General:
ABC laws, provisions for better enforcement of 1637
Benefit and Retirement Fund:
Membership, law relating to, amended 1149
Payments into fund, law amended 1213

Local:
Albemarle, authority of certain police officers to issue warrants 953

Page

Law Enforcement Officers—(Continued)
Local—(Continued)
Anson County, rural policemen, supervision and control 1056
Apex, police jurisdiction extended beyond corporate limits 530
Asheville, jurisdiction of ABC law enforcement officers 880
Beaufort County, Peace Officers' Relief Act 698
Caswell County, sheriff, office hours 1138
Charlotte, N. C. Local Government Employees' Retirement System, withdrawal of law enforcement officers 1129
Chatham County, certain tax sales by sheriff validated 90
Cherryville, police officers, jurisdiction extended beyond corporate limits 684
Clayton, jurisdiction of police officers, extended beyond limits 983
Columbus County, limitation of number of salaried deputies sheriff 472
Concord, powers and duties of sanitary inspectors 1001
Davidson County, county court, issuance of process by Lexington police 1651
Edgecombe and Nash Counties, Twin County Peace Officers' Relief Act 1513
Edgecombe County, sheriff relieved of tax collection duties 804
Gibson, jurisdiction of police officers extended beyond corporate limits 1298
Gibsonville, jurisdiction of police officers extended beyond corporate limits 738
Goldsboro, police powers extended to Seymour Johnson Army Airfield property 859
Greenville, appropriations to supplement retirement benefits of law enforcement employees 563
Halifax County, Law Enforcement Officers' Relief Act 1193
High Point, Municipal Court, issuance of criminal process by police 737
Laurinburg, police jurisdiction extended beyond corporate limits 249
Liberty, police officers, jurisdiction extended beyond corporate limits 1571
Madison County, appointment of deputy sheriff 479
Moore County, special law enforcement officers for Pinehurst 1131
Nash and Edgecombe Counties, Twin County Peace Officers' Relief Act 1513
Pitt County, Peace Officers Protective Association, inclusion of officers of justice of the peace courts 376

Page

Law Enforcement Officers—(Continued)
Local—(Continued)
Red Springs, police authority extended beyond corporate limits 24
Reidsville, recorder's court, issuance of criminal process by police 235
Scotland Neck, police authority extended beyond corporate limits 601
Union County, employment of additional deputy sheriff; compensation 559
Wagram, police officers, jurisdiction extended beyond corporate limits 961
Washington (City), appointment of warrant officers; powers and duties 298
Washington County, ABC law enforcement officer, appointment of 629
Wilmington, Police Pension Fund, law amended 1647

Law Libraries:
Cherokee County, establishment and maintenance of 1027
Jackson County, establishment and maintenance of 1561

Laws Amended:
1871, Private, Chapter 31 285
1872-73, Private, Chapter 71 453
1874-75, Private, Chapter 153 1288
1879, Laws, Chapter 90 460
1887, Private, Chapter 101 168
1889, Private, Chapter 120 168
1889, Private, Chapter 251 221
1891, Private, Chapter 52 10
1891, Private, Chapter 282 639
1893, Laws, Chapter 343 695
1895, Private, Chapter 44 331
1899, Private, Chapter 69 45
1899, Private, Chapter 115 451
1899, Private, Chapter 339 109
1901, Private, Chapter 124 497
1901, Private, Chapter 125 896
1901, Private, Chapter 397 187
1905, Private, Chapter 43 687
1905, Private, Chapter 174 1288

Page

Laws Amended—(Continued)
1905, Private, Chapter 239 432
1905, Private, Chapter 343 859
1907, Private, Chapter 24 621
1907, Private, Chapter 39 70, 71, 82
1907, Private, Chapter 108 52
1907, Private, Chapter 343 998
1907, Private, Chapter 425 1319
1909, Public, Chapter 386 1390
1909, Public, Chapter 395 737
1909, Public, Chapter 651 717
1911, Private, Chapter 183 89
1911, Private, Chapter 212 453
1911, Private, Chapter 216 1526
1911, Public-Local, Chapter 598 1141
1911, Public-Local, Chapter 598 855
1911, Public-Local, Chapter 647 92
1913, Private, Chapter 68 289, 505
1913, Private, Chapter 144 1293, 1382
1913, Private, Chapter 210 150
1913, Private, Chapter 264 281
1913, Private, Chapter 302 186
1913, Private, Chapter 332 88, 408
1913, Private, Chapter 351 884
1913, Public-Local, Chapter 146 392
1913, Public-Local, Chapter 276 714
1913, Public-Local, Chapter 493 393
1913, Public-Local, Chapter 602 856, 975
1915, Private, Chapter 31 1092
1915, Private, Chapter 55 1647
1915, Public-Local, Chapter 451 1056
1915, Public-Local, Chapter 596 1313
1915, Public-Local, Chapter 634 740
1915, Public-Local, Chapter 681 62
1917, Public-Local, Chapter 282 293
1917, Public-Local, Chapter 479 475
1919, Public-Local, Chapter 120 57
1919, Public-Local, Chapter 305 634
1919, Public-Local, Chapter 489 293
1919, Public-Local, Chapter 491 616
1919, Public-Local, Chapter 515 1034

Page

Laws Amended—(Continued)
1919, Public-Local, Chapter 551 307
1921, Private, Chapter 66 55
1921, Private, Chapter 142 948
1921, Private, Chapter 187 695
1921, Public-Local, Chapter 134 406
1921, Public-Local, Chapter 152 685
1921, Public-Local, Chapter 233 308
1921, Public-Local, Chapter 385 886
1921, Public-Local, Chapter 477 634
Ex-1921, Public-Local, Chapter 210 307
1923, Private, Chapter 15 502
1923, Private, Chapter 37 1085, 1657
1923, Private, Chapter 235 10
1923, Public-Local, Chapter 248 634
1923, Public-Local, Chapter 537 107
1925, Private, Chapter 2 641
1925, Private, Chapter 28 72
1925, Private, Chapter 31 709
1925, Private, Chapter 160 207
1925, Private, Chapter 202 915
1925, Private, Chapter 210 691
1925, Public-Local, Chapter 145 523
1925, Public-Local, Chapter 370 975
1925, Public-Local, Chapter 438 113
1927, Private, Chapter 94 638
1927, Private, Chapter 224 1055
1927, Private, Chapter 225 87
1927, Private, Chapter 232 114, 123, 128, 281
1927, Public-Local, Chapter 102 205
1927, Public-Local, Chapter 648 1056
1929, Private, Chapter 57 56
1929, Private, Chapter 196 213, 214, 215, 216
1929, Private, Chapter 197 1055
1929, Public, Chapter 343 63, 310, 740
1929, Public-Local, Chapter 52 84
1929, Public-Local, Chapter 433 852
1931, Private, Chapter 107 504
1931, Private, Chapter 108 281
1931, Public, Chapter 176 1386
1931, Public-Local, Chapter 61 147

Page

Laws Amended—(Continued)

1931, Public-Local, Chapter 90 ... 735
1931, Public-Local, Chapter 187 ... 852
1931, Public-Local, Chapter 275 ... 644
1931, Public-Local, Chapter 297 ... 883
1931, Public-Local, Chapter 335 ... 84
1933, Private, Chapter 43 ... 187
1933, Private, Chapter 53 ... 671
1933, Private, Chapter 60 ... 121
1933, Public, Chapter 101 ... 337
1933, Public, Chapter 508 ... 953
1933, Public-Local, Chapter 55 ... 735
1933, Public-Local, Chapter 82 ... 714
1933, Public-Local, Chapter 82 ... 525
1933, Public-Local, Chapter 245 ... 525
1933, Public-Local, Chapter 258 ... 804
1933, Public-Local, Chapter 298 ... 1202
1933, Public-Local, Chapter 429 ... 534
1933, Public-Local, Chapter 430 ... 147
1935, Private, Chapter 26 ... 48
1935, Private, Chapter 70 ... 497
1935, Public, Chapter 474 ... 235
1935, Public-Local, Chapter 291 ... 418
1935, Public-Local, Chapter 4 ... 644
1935, Public-Local, Chapter 13 ... 444
1935, Public-Local, Chapter 303 ... 151
1935, Public-Local, Chapter 559 ... 1544
1937, Private, Chapter 26 ... 708
1937, Private, Chapter 328 ... 736
1937, Public-Local, Chapter 144 ... 504
1937, Public-Local, Chapter 201 ... 206
1937, Public-Local, Chapter 206 ... 579
1937, Public-Local, Chapter 279 ... 143, 315, 1383
1937, Public-Local, Chapter 416 ... 208
1937, Public-Local, Chapter 478 ... 452
1937, Public-Local, Chapter 520 ... 627
1937, Public-Local, Chapter 578 ... 143
1937, Public-Local, Chapter 619 ... 182
1937, Public-Local, Chapter 636 ... 84
Ex-1938, Public, Chapter 2 ... 1244
Ex-1938, Public-Local, Chapter 7 ... 1560

Page

Laws Amended—(Continued)

1939, Public, Chapter 139 204
1939, Public-Local, Chapter 235 313
1939, Public-Local, Chapter 285 638
1939, Public-Local, Chapter 352 479
1939, Public-Local, Chapter 366 ..... 329, 561, 618, 620
1939, Public-Local, Chapter 402 229
1939, Public-Local, Chapter 420 140
1939, Public-Local, Chapter 457 1140
1939, Public-Local, Chapter 457 1097
1939, Public-Local, Chapter 538 317
1939, Public-Local, Chapter 540 630
1939, Public-Local, Chapter 542 1285
1939, Public-Local, Chapter 609 855
1939, Public-Local, Chapter 612 993
1941, Public, Chapter 33 531
1941, Public, Chapter 259 ..... 532, 1559
1941, Public, Chapter 324 469
1941, Public-Local, Chapter 26 1136
1941, Public-Local, Chapter 190 926
1941, Public-Local, Chapter 197 112
1941, Public-Local, Chapter 238 579
1941, Public-Local, Chapter 252 1136
1941, Public-Local, Chapter 293 560
1941, Public-Local, Chapter 295 501
1941, Public-Local, Chapter 303 464
1941, Public-Local, Chapter 327 84
1941, Public-Local, Chapter 470 596

1943 Session Laws Amended:

Chapter 38 444
52 686
206 886
240 955
300 855
308 101
315 896
323 1134
362 193
421 1068

Page

Laws Amended—(Continued)

1943 Session Laws Amended—(Continued)

Chapter 426 ... 73
517 ... 20
539 ... 1144
645 ... 1056
700 ... 48
730 ... 916

1945 Session Laws Amended:

Chapter 58 ... 634
111 ... 551
167 ... 224
172 ... 628
175 ... 157, 443
184 ... 855
193 ... 502
202 ... 157, 443
223 ... 129
235 ... 310
277 ... 1180
285 ... 695
293 ... 560
341 ... 55
506 ... 326
523 ... 1108
610 ... 16
627 ... 927
650 ... 563
679 ... 498
692 ... 145
763 ... 132
791 ... 199
909 ... 628
1040 ... 985
1046 ... 17
1066 ... 319
1096 ... 1154
1097 ... 1005

1947 Session Laws Amended:

Chapter 14 ... 475

Page

Laws Amended—(Continued)
1947 Session Laws Amended—(Continued)
Chapter 17 1073
30 ..... 670, 674
65 152
181 183
199 310
235 1087
245 ..... 178, 565
254 130
266 63
275 1650
296 439
324 1650
334 241
336 1689
347 ..... 312, 846
351 440
376 ..... 399, 1674
380 1112
402 840
407 ..... 529, 1224
441 591
456 964
460 235
480 1652
481 715
499 201
500 ..... 187, 1653
537 92
548 898
562 ..... 157, 443
593 451
601 27
617 1190
624 161
642 50
645 ..... 235, 236
661 181
665 376
675 576

Page

Laws Amended—(Continued)

1947 Session Laws Amended—(Continued)

Chapter 684 129
686 1574
728 374
736 313
745 292
749 524
754 256
761 891
762 843
776 651
809 175
818 1176
842 736
877 1675
885 264
892 1058
906 902
908 948
926 838
933 ..... 493, 1046, 1154
934 1061
944 744
945 1068
1002 577
1006 1107
1007 729
1010 ..... 1226, 1527
1047 860
1064 1527
1067 137

1949 Session Laws Amended:

Chapter 223 ..... 314, 952
238 909
244 741
354 1664
385 1096
392 1433
424 1096

Page

Laws Amended—(Continued)
1949 Session Laws Amended—(Continued)
Chapter 431 ... 1033
487 ... 1283
502 ... 916
548 ... 1227
578 ... 1087
583 ... 1646
585 ... 1401
619 ... 1038
647 ... 1524
718 ... 1430
722 ... 1229, 1564, 1565, 1568, 1678
775 ... 1523
868 ... 1675
881 ... 1321
1020 ... 1628
1132 ... 1677
1167 ... 1692
1249 ... 1689, 1693
1250 ... 1649

Laws Repealed:

1901, Private, Chapter 74 ... 522
1907, Private, Chapter 89 ... 1525
1907, Private, Chapter 502 ... 522
1909, Private, Chapter 92 ... 1525
1909, Private, Chapter 107 ... 522
1909, Private, Chapter 167 ... 652
1909, Public, Chapter 646 ... 478
1911, Private, Chapter 129 ... 652
1913, Private, Chapter 21 ... 522
1913, Private, Chapter 59 ... 1512
1913, Private, Chapter 60 ... 1512
1913, Public-Local, Chapter 356 ... 306
1913, Public-Local, Chapter 626 ... 163
Ex-1913, Public-Local, Chapter 177 ... 163
Ex-1913, Public-Local, Chapter 226 ... 237
1917, Private, Chapter 87 ... 1321
Ex-1920, Private, Chapter 15 ... 522
1921, Private, Chapter 168 ... 1321

Page

Laws Repealed—(Continued)
1921, Public-Local, Chapter 311 156
Ex-1921, Private, Chapter 58 522
Ex-1921, Public-Local, Chapter 246 1512
1923, Private, Chapter 61 533
1923, Private, Chapter 63 1512
1923, Private, Chapter 241 36
1924, Private, Chapter 12 1321
1927, Private, Chapter 87 522
1927, Private, Chapter 207 1512
1927, Public-Local, Chapter 616 975
1929, Private, Chapter 60 150
1931, Private, Chapter 4 522
1931, Private, Chapter 7 652
1931, Public-Local, Chapter 168 630
1931, Public-Local, Chapter 270 557
1931, Public-Local, Chapter 343 1324
1933, Private, Chapter 11 1512
1933, Public, Chapter 554 497
1933, Public-Local, Chapter 113 630
1933, Public-Local, Chapter 250 630
1933, Public-Local, Chapter 316 1561
1933, Public-Local, Chapter 342 460
1933, Public-Local, Chapter 352 909
1933, Public-Local, Chapter 467 460
1933, Public-Local, Chapter 491 464
1935, Private, Chapter 112 1512
1935, Public-Local, Chapter 100 460
1935, Public-Local, Chapter 358 460
1935, Public-Local, Chapter 498 1390
1935, Public-Local, Chapter 514 80
1937, Public-Local, Chapter 352 846
1939, Public-Local, Chapter 427 1056
1941, Public-Local, Chapter 75 630
1941, Public-Local, Chapter 174 595
1941, Public-Local, Chapter 285 630
1941, Public-Local, Chapter 382 522

1943 Session Laws Repealed:

Chapter 6 1628
526 522

Page

Laws Repealed—(Continued)

1943 Session Laws Repealed—(Continued)

Chapter 572 9
679 206

1945 Session Laws Repealed:

Chapter 53 1396
118 537
177 229
228 684
232 1141
552 1512
657 21
883 909
896 130
898 376
899 130
929 863

1947 Session Laws Repealed:

Chapter 134 206
137 130
185 130
355 1283
372 130
438 533
628 144
648 130
653 35
713 7
796 737
1030 1387
1036 130

1949 Session Laws Repealed:

Chapter 156 1570
192 443
426 1266
802 1039
813 1392

Lawyers—See Attorneys at Law

Page

Leaksville, Town of:
Corporate limits extended 433
Election of mayor and members of board of commissioners 157
Election on equalization of taxation and consolidation of functions in districts of town 157, 442
Leaksville Township Recorder's Court, salary of recorder and solicitor; court's jurisdiction; jury trials 84
Library building property, conveyance authorized 575
Township School District, territory redefined; election regulations 56

Leases—See Deeds and Conveyances or under particular City or County

Leaves of Absence:
Clerks of superior court, law amended relating to leaves of absence 91
Military training, leaves of absence for school personnel 1668

Lee County:
Clerk of superior court, schedule of fees 995
Dogs, county exempted from liability for damages by 320
Lee County Hospital, appointment of certain trustees; terms of office 445
Quadrennial revaluation and reassessment of property, postponement authorized; procedure; powers of officials 152
Tax collector, compensation 205
Tax levy for special purposes, rate increased 501
Taxes, allocation of certain delinquent tax collections 136

Legal Advertising—See Publication Laws

Legislative Employees:
Compensation of elective clerks and other employees of General Assembly 938

Legislature, State—See General Assembly

Lenoir County:
Board of commissioners, publication or examination of clerks' notes relating to proceedings of, prohibited 969
Board of education, compensation of members, law amended 851
Clerk of superior court, schedule of fees and commissions 163
Deep Run, election on proposed incorporation as town 1093
Historical and Patriotic Commission, creation; appointment of members; powers and duties 857
Juvenile court judge, compensation 146
North Carolina Sanitorium, appropriation authorized by county for settlement of claims 474

Page

Lenoir County—(Continued)
Public drunkenness, law amended as to punishment 182
Recorder's Court, law as to prosecuting attorney, amended 1568
Superintendent of Public Welfare Emeritus, office created; qualifications, duties, compensation 974
Superior Court terms 1284

Lexington, City of:
Board of Education of Administrative Unit, appointment of members 48
Davidson County Court, issuance of process by certain police officials 1651

Libel:
Gravestones, inscriptions charging commission of crime prohibited 1234
Radio stations, liability for defamatory statements 226

Liberty, Town of:
Jurisdiction of police officers, extended beyond corporate limits 1571

Libraries, Public:
General:
County Commissioners, expenditure of surplus funds for library facilities 1555
County Finance Act amended as to bonds and tax levies for public libraries 322, 1664
Establishment of libraries outside incorporated cities or towns 321
Municipal Corporations, powers amended to permit support of libraries 321
Regional library employees, participation in retirement system 1052
School libraries, exclusion from law requiring reports to N. C. Library Commission 199
Taxes, limitation on special tax levy for library purposes increased 322

Local:
Charlotte, election as to bond issue and tax levy for library purposes 1178
Cherokee County, law library, establishment and maintenance of 1027
East Spencer, authority to organize and administer public libraries 515
Jackson County, establishment and maintenance of law library 1561
Rockingham County, conveyance from Leaksville of library building property 575
Tyrrell County, special tax levy for operation of library 942

Page

License Taxes (Article 2, Schedule B), Revenue Act:
Amendments to 377, 889, 1526, 1554

Licenses and Licensing Boards:
General:
Administrative agencies and boards, certain rules filed with clerk of superior court and members of legislature 350
Agricultural fairs, license required 944
Antifreeze, permit for sale of 1403
Bus Act of 1949, licensing of brokers handling bus transportation contracts 1325, 1338, 1677
Chiropractic Examiners, N. C. Board of, law amended as to licensing of applicants 892
Dealers in motor vehicles and trailers, license required 587
Dog food, annual registration fee for manufacturers 1217
Drivers Licenses—See Drivers License Act
Embalmers and funeral directors, regulation and licensing, law amended 1075
General contractors, licensing act amended as to definition 1062
Hospital Licensing Act, amended 1046
Inoperative State licensing boards, settlement of affairs 844
Insurance claim adjusters, licensing and regulation of 1083, 1572
Liming materials, permits for special method of reporting sales subject to fees 942
Livestock markets, fee for permits increased 1137
Malt beverages, regulation and licensing of dealers 1099
Marriage licenses—See Marriage and Marriage Licenses
Milk and cream, regulation of products from other states; permits required 934
Motor vehicle licenses—See Motor Vehicles
Municipal corporations, readoption of existing license tax ordinance by reference 1060
N. C. Wildlife Resources Commission, expenditure of funds from license fees 1528
Oleomargarine, license for sale and distribution of 1109
Optometry, law amended as to age of applicants for examination for license 325
Real estate agents, licensing law amended as to non-residents 707
Weigh masters, application for license, law amended 1112

Local:
Avery County, licensing of pool rooms and billiard parlors 1573
Bertie County, beer and wine licenses, issuance of 1219

Page

Licenses and Licensing Boards—(Continued)
Local—(Continued)
Bladen County, professional bondsmen, licensing by county and municipalities 613
Caswell County, sale of fish from private ponds by owners; license required 1663
Dare County, license tax imposed upon persons playing or operating game of bingo 1067
Durham (City), taxicabs, additional license and privilege taxes 410
Durham County, professional bondsmen, licensing by county and municipalities 1023, 1574
Guilford County, beer and wine, law amended as to license fees 1378
Harnett County, law relating to licensing of carnivals, etc. 85
Mecklenburg County, professional bondsmen, licensing of 1221
Morehead City, Racing Commission, franchise for operation of racing course; tax 630
Moore County, sale of fish from private ponds by owners; license required 1663
Onslow County, commercial fishing license taxes, exemptions for residents 1003
Wake County, licensing sale of beer or wine near certain church prohibited 1567

Liens, Statutory:
Landlord's lien upon proceeds of certain sales of tobacco, preservation 158
State tax liens, priority 386

Life Insurance—See Insurance and Insurance Companies

Liming Materials:
Law relating to method of payment of tonnage fees amended 942

Limitations, Statutes of:
General:
Condemnation of rights of way by Highway Commission, actions for damages 1309
Employment Security Law, actions to determine liability or status of employer 426
Foreclosure sales under power of sale 792
Hospital Facilities Act, actions contesting elections 873
Income Tax, assessments and refunds by Commissioner of Revenue 384
Inheritance taxes, remitted after twenty years, law amended 617

Page

Limitations, Statutes of—(Continued)
General—(Continued)
Judgment or certificate for taxes in favor of State, period for enforcement 388
Missing persons, actions against distributees after administration of estate 583
Sanitary Districts, action contesting validity of bond elections, etc. 988
Local:
Aulander, actions on tax liens 555
Brunswick County, limitation of time for protesting leases of oyster beds 1174
Canton, uncollected ad valorem and poll taxes for certain years declared uncollectible 88
Carolina Beach, actions for contesting election as to tax levy for advertising and other purposes 279
Dunn, delinquent taxes, limitation of time for collection or foreclosure of liens 1282
Harnett County, delinquent taxes, limitation of time for collection or foreclosure of liens 233
Rowan County, delinquent taxes, limitation of time for collection or foreclosure of liens 839
Yadkin County, delinquent taxes, limitation of time for collection or foreclosure of liens 51

Lincoln County:
Conveyance of certain real estate, without advertising sale, validated 90
Recorder's Court, appointment of assistant judge; powers, duties, compensation 254

Lincolnton, Town of:
Sale of certain real estate authorized 131

Liquors—See Alcoholic Beverages

Livestock Markets:
Law relating to, amended 1137

Loans:
Industrial banks, lending powers; advance deduction of interest 1077
Medical students credits for service in rural areas against student loans by State educational institutions 1154
Student loans by State institutions, law amended 592

Page

Local Government—See Counties; See Municipal Corporations

Local Government Act:
Application to all units having power to levy ad valorem taxes 1054
Application to bonds and notes issued under hospital facilities act 875
Bonds and notes, application to Local Government Commission for approval of issuance, law amended 1252
Investment of bond proceeds pending use, Act amended as to 968
Revenue Bond Act of 1938, amended 1244

Local Governmental Employees' Retirement System:
General:
County welfare and health departments, membership of employees 1150
District health departments, membership of employees 1149
Employers and employees eligible for participation, redefined 198
Housing Authorities' employees, eligibility to participate in retirement program 198
Law enforcement officers, Act amended as to membership in system 1149
Local ABC employees, participation in system, authorized 1152
Regional library employees, participation in system 1052

Local:
Charlotte, law enforcement officers, provisions for withdrawal from system 1129
Greenville, appropriations authorized to supplement retirement benefits of certain municipal employees 563
New Bern, election on question of city's participation 670

Local Improvements—See under particular municipality

Local Units—See Counties; See Municipal Corporations

Loudspeakers—See Anti-Noise Laws or under particular local unit

Lumberton, City of:
Corporation limits, election on extension 1190
Personnel board, creation; appointment of members; powers; duties; etc. 998
Public Golf Course and Recreational Grounds, powers of trustees amended 313
Recorder's Court, schedule of costs 294

Lunatics—See Insane Persons and Incompetents

Page

Mc

McDowell County:
Board of county commissioners, terms of office 314
Board of equalization and review, time for completion of duties 554
Compensation of certain officials and employees 436, 1033
Deputies sheriff, compensation 848
District health department, enforcement of regulations 961
Jailer's fees 305
Lawing, Ennis, appointment as justice of the peace 1229
Official bonds of register of deeds and clerk of superior court, payment of premiums 436
Schedule of fees for register of deeds and clerk of superior court 837

McNeill, W. L.:
Official acts as justice of the peace, Mitchell County, validated 558

M

Macclesfield, Town of:
Municipal elections, conduct of; appointment of chief of police 1318

Machinery:
Fraudulent removal or defacing of manufacturer's identifying marks on machinery made misdemeanor 1057

Machinery Act of 1939, Amendments to:
General:
Ad valorem taxes, listing by taxpayer doing business and having personal property in several counties 1058
Agricultural products, valuation for taxes when held by stabilization and marketing associations 820
Codification of Act and amendments 334
Disabled veterans, motor vehicles donated by U. S. Government, exemption from taxation 100
Farm products held for shipment in foreign commerce, exemption from taxation 1662
Quadrennial assessments, Act amended as to time for and methods of 83

Local:
Charlotte, tax penalties and discounts, law amended 847
Greensboro, tax penalties and discounts, law amended 849
Harnett County, Act barring certain tax liens made applicable to county 233

Page

Machinery Act of 1939, Amendments to—(Continued)
Local—(Continued)
Hendersonville, exemption from law as to discounts for prepayment of taxes ... 87
McDowell County, board of equalization and review, time for completion of duties ... 554
Mecklenburg County, discounts for prepayment of taxes, law amended ... 1138
Wayne County, redried tobacco stored for shipment out of county, ad valorem tax exemption ... 1292
Yadkin County, Act barring foreclosure of certain tax liens made applicable to county ... 51

Macon County:
Board of County Commissioners, compensation and mileage allowances ... 61
Law relating to fishing in certain streams, repealed ... 1561

Madison County:
Auditor, law amended as to salary and duties ... 860
Board of Commissioners, compensation of members ... 479
Clerk of superior court, appointment of deputy clerk; salary ... 479
Highway Commission, Act repealed ... 1324
Register of deeds, appointment of clerical assistant; salary ... 479
Sheriff, appointment of deputy; salary ... 479
Superior Court terms ... 1286
Tax Supervisor, appointment, powers, duties, compensation ... 860

Madison, Town of:
Recreation Commission, ex-officio members ... 348

Magistrates—See Justices of the Peace

Magnolia, Town of:
Mayor and commissioners, biennial elections ... 1288

Maintenance Appropriations Act—See Appropriations

Malt Beverages:
Regulation of distribution and sale of ... 1099

Manteo, Town of:
Dare County, ABC stores, allocation of profits, law amended ... 1689

Maps and Surveys:
General:
Closing of streets, recording of required notices, etc. ... 1537

Page

Maps and Surveys—(Continued)
General—(Continued)
Register of Deeds, acts in recording plats and maps by certain methods validated ... 1232
State Highway and Public Works Commission, proper designation of stream forming boundary between Hoke and Scotland counties ... 566
Local:
Currituck County, survey of certain lands, Acts repealed ... 206
Durham, regulations as to plats of proposed subdivisions ... 338
Edgecombe County, requirements for registration of maps and plats ... 1117
Guilford County, regulations as to recording of subdivision maps ... 994
Reidsville, regulations as to plats of proposed subdivisions ... 338

Margerine:
Law relating to sale of, amended ... 1108

Markets:
Livestock markets, law relating to, amended ... 1137
Laurinburg, regulation and control of markets authorized ... 1654

Marriage and Marriage Laws:
General:
Abandonment, of wife by husband; of children by either parent 919
Annulment of Marriage:
Defense after judgment on substituted service, law amended ... 222
Persons under minimum age, effect of pregnancy or birth of child ... 1161
Service of summons by publication ... 66
Custody of children of parents divorced outside of State ... 1148
Divorce proceedings:
Insanity as grounds for, law amended ... 228
Jurisdiction of actions for divorce and alimony, law amended ... 227
Residence requirements, law amended ... 227, 414
Income tax, payments for support of divorced or estranged spouse deductible; limitations ... 383
Local:
Counties exempt from Act regulating issuance of licenses to non-residents of State:

Page

Marriage and Marriage Laws—(Continued)
Local—(Continued)
Camden County ____ 52
Hertford County ____ 307
Tyrrell County ____ 17
Washington County ____ 17

Martin County:
ABC store profits, division between county and municipalities ____ 182
Board of commissioners, compensation ____ 57
Disorderly conduct, etc., on public roads or near public places made misdemeanor ____ 302
Election on application of law relating to drainage of streams ____ 585
Hog cholera prevention program authorized ____ 176
Special elections on tax levies in certain school districts ____ 203
Tax penalties and discounts applicable to county and its municipalities ____ 76

Master and Servant:
Bus Act of 1949, qualifications and hours of service of certain employees ____ 1329
Conciliation and mediation of labor disputes, disclosure of confidential information acquired in, prohibited ____ 694
Employment Security Law, Act amended ____ 419-430, 527, 528, 972, 1096
Maximum Hour Law, amended; exemptions ____ 1217
State Personnel Department, establishment; regulation of personnel practices ____ 747, 1430
Workmen's Compensation Act, amendments to ____ 68, 396, 1153, 1239

Maximum Hour Law:
Amended to exempt certain employees ____ 1217

Maxton, Town of:
Recorder's Court, schedule of costs ____ 294

Mayodan, Town of:
Town commissioners, increase in number of ____ 45

Mayors—See under particular City or Town

Mayors' Courts:
Andrews, costs taxed for maintenance of law library ____ 1027
Benson, disbursement of court costs ____ 1144
Farmville, jurisdiction of Mayor's Court extended ____ 93
Fayetteville, appointment of assistant judge ____ 433

Page

Mayors' Courts—(Continued)
Gibsonville, jurisdiction of court extended 738
Hudson, appeals from Mayor's Court 432
Act repealed 1266
Middlesex, costs of court, law amended 1526
Murphy, costs taxed for maintenance of law library 1027
Smithfield, election on abolition of fee system 661
Statesville, appointment of assistant judge; bill of costs in criminal cases 710
Whitakers, patrol car fee taxed as part of court costs 406

Mecklenburg County:
Board of Education, compensation of members 357
Compensaion of certain county officials 1037
Constables, record of arrests required to be filed 1652
Domestic Relations and Juvenile Court, appointment of counselor; salary 1074
Firemen's Relief Fund, Act amended as to disbursements 834
Palmistry, fortune telling, etc., practice of, prohibited 1059
Professional bondsmen, licensing and regulation of 1221
Public library buildings, etc., special election on bond issue and tax levy 1178
Recorder's Court, appointment of clerk; salary, bond, duties, etc. 1079
Taxes, discounts for prepayment 1138

Medical Care:
Dental school, maintenance and operation in conjunction with University of North Carolina Medical School 498
Medical Care Commission, hospital program, law amended as to administration of statewide plan 598
Medical student loans, credits for professional services in rural areas 1154
Tubercular prisoners, law amended as to medical care; responsibility for safekeeping 1359

Memorials:
General:
Charles B. Aycock Memorial Commission, authority to acquire property to establish memorial; appropriations 1160
N. C. State College, construction of Alumni Memorial Building 1204
Tryon's Palace, restoration of 199

Page

Memorials—(Continued)
Local:
Greensboro, World War Memorial Commission, transfer of powers and duties 709
Haywood County and Waynesville, memorial association for veterans' cemetery 105
Mocksville, lease of Rich Park to Davie Memorial Association, Inc. 347
Richmond County Memorial Hospital, delegation of certain authority to trustees 903

Mental Defectives—See Insane Persons and Incompetents

Merit Rating System of Employment:
State Hospitals Board of Control, employees paid from federal funds, placed under system 486

Micro, Town of:
School District, election on school building bonds and tax levy 904

Middlesex, Town of:
Mayor's Court, costs of court, law amended 1526

Midwives:
Premature births, notice to local health authorities required; care of infants 485

Military Training:
Leaves of absence for State employees, law amended 1668

Militia, State:
Age limit lowered 1322

Milk:
Board of Agriculture authorized to prescribe standards of weights and measures 1112
Regulation of products from other states 934

Minors:
Abandonment of children by either parent, penalty for 919
Act to protect children born to parents marrying under minimum age 1161
Adoption law, rewritten 264
Custody of children of parents divorced outside of State 1148
Disabled war veterans, free tuition at state educational institutions for children of 1192

Page

Minors—(Continued)
Future interests, disposition of property held by a class, when class subject to increase 920
Guardianship, sale of ward's estate in county in which guardian does not reside 821
Judicial sales and execution sales, regulations and procedure 757, 775
Juvenile Courts, law relating to appeals from, amended 1106
Payments into court for indigent children, law amended 154
Premature births, notice to local health authorities by physicians or midwives; care of infants 485
Prison for youthful offenders at Camp Butner, establishment and operation 259
Removal of ward's personalty from State by foreign guardian 220
Separating child under six months old from mother, certain cases unlawful 486
State Militia, age limit lowered 1322

Missing Persons:
Absentees, procedure for administration of estates 583
Judicial sales and execution sales of property, regulations and procedure 757

Mitchell County:
Board of county commissioners, publication of expenditures 142
Board of education, publication of expenditures 142
County Accountant - Tax Supervisor, salary; compensation for clerical assistants 197
Official acts of R. B. Turner and W. L. McNeil, as justices of the peace, validated 558

Mocksville, City of:
Rich Park, lease to Davie Memorial Association, Inc., authorized 347

Monroe, City of:
City Manager, authority for appointment; powers and duties 652
Corporate limits, extended and redefined 652
Election of mayor and aldermen; establishment of additional precincts or wards 652
Recorder's Court, schedule of fees 735

Montgomery County:
Acts relating to compensation of certain officials amended 310
Agricultural tenancies, application of law regulating 103
Coroner, fees of 311
Deputies sheriff, allowance for travel expenses 311

Page

Montgomery County—(Continued)
Fees and rewards for seizure of liquor stills 55
Tax Supervisor, powers and duties of tax collector transferred to 534
Taxes, adjustment of certain delinquent taxes 534

Moore County:
Bay rum, regulation of sale; punishment for law violations 462
Fish, sale of fish from private ponds by owners 1663
Justices of the peace, schedule of fees 1139
"Municipality of Pinehurst," created for law enforcement purposes 1131
Recorder's Court:
Jury trials; remand of cases from superior court 737
Salary of judge and solicitor 899
Southern Pines School District, special election on school building bonds 13
Superior Court terms 456

Mooresville, Town of:
ABC stores, election on establishment of; allocation of profits 1549
Charter amended as to number of commissioners; elections; terms 453
City Manager, election on appointment of 438

Morehead City:
Bird sanctuary 833
Charter amended as to notice of candidacy for municipal offices 915
Port Commission, issuance and sale of refunding bonds; tax exemption; wharfage fees 97
Racing Commission, franchise tax 630

Morrisville, Town of:
Corporate limits redefined 651

Mortgages and Deeds of Trust:
General:
Chattel mortgages, etc., method of execution by corporations, form of probate 1557
Conditional sales agreements, deficiency judgments authorized in certain cases after exercising power of sale 967
Future interests, mortgage of property held by a class, when class subject to increase 920
Industrial banks, power to make mortgage loans on real and personal property 1077
Judicial sales, regulations and procedure 757
Personal property, validity of encumbrances created in another state 1322

Page

Mortgages and Deeds of Trust—(Continued)
General—(Continued)
Sales under power of sale, regulations and procedure 788
Local:
Southern Pines, acceptance of second lien deed of trust from Southern Pines Country Club authorized 37

Morven, Town of:
High School District, Act relating to establishment of, repealed 1525

Motion Pictures:
Suburban and colored theaters, license tax 379, 1526

Motor Fuels:
Gasoline and Oil Inspection Law, administration of, transferred 1692
Gasoline tax, increase of, contingent upon election 1634, 1649

Motor Vehicle Act—See Motor Vehicles

Motor Vehicle Carriers—See Motor Vehicles

Motor Vehicle Highway Safety Act, repealed 137

Motor Vehicle Safety and Responsibility Act, amendments to:
Assignment of risks by Commissioner of Insurance 1538
Period of time for proof of financial responsibility 1107
Proof of responsibility furnished by holder of limited operator's or chauffeur's license 1399
Public liability insurance policies, notice of termination or cancellation required 1400
Restoration of operators' or chauffeurs' licenses 1175

Motor Vehicles:
General:
Antifreeze substances and preparations, inspection and regulation of sale 1402
Blind persons, use of white canes regulated; right of way at intersections 303
Bus Act of 1949 1325, 1677
Camp Butner Hospital, application of State motor vehicle laws to streets and grounds 58
Cattle, highway signs for protection at crossings 923
City busses, permanent registration plates 588
Commissioner of Motor Vehicles—See under State Officials
Contract hauler vehicles, definition of, law amended 1679
Dealers in motor vehicles and trailers, license required 587

Page

Motor Vehicles—(Continued)
General—(Continued)
Directional signaling devices, regulation of use 1152
Disabled Veterans:
Fees for registration and licensing of passenger vehicles 94
Vehicles given by U. S. Government exempt from taxation 100
Drivers' Licenses:
Contents of operator's and chauffeur's license, law amended 589
Expiration of operator's license 940
Limited or restricted operator's or chauffeur's license 1315
Restoration or reissuance of license after suspension period 1175
Surrender of operator's or chauffeurs' licenses 588
Suspension and revocation of license 346
Equipment required on semi-trailers 1533
Farm tractors and trailers exempted from license requirements 435
Financial responsibility—See Motor Vehicle Safety and Financial Responsibility Act
Following other vehicles too closely, law rewritten 1536
Franchise haulers, Motor Vehicle Act amended as to licensing of 329
Fraud committed in procurement of certificate of title, made misdemeanor 328
Inspection law repealed 137
Jurisdiction over violations of motor vehicle laws, Act amended 137
Mechanical inspection law, repealed 137
Mechanical inspection program, transfer of house trailers, etc., formerly used in 1151
Mechanics exempted from Maximum Hour Law under certain conditions 1217
Motor Vehicle Inspection Fund, disposition of monies 137
Motor Vehicle Safety and Responsibility Act:
Amended 1107, 1175, 1399, 1400, 1538
National Guard, license plates, numbering of 1324
Overloading:
Additional tax, law made applicable to non-residents 589, 1646
Penalty for carrying excess over weight for which vehicle is licensed, law amended 1536
Permanent registration plates for certain vehicles, authorized 587
Removal of excess from overloaded vehicles, law amended 1535
Right-of-way at intersections, law amended 1152

Page

Motor Vehicles—(Continued)

General—(Continued)

Speed limits on streets not part of state highway system, regulation by local authorities ... 1073

Television viewers, regulations as to location in motor vehicles 588

Through highways outside municipalities, vehicles required to stop in obedience to signals or signs ... 587

Tort claims against state departments and agencies, determination by Industrial Commission ... 1360, 1570, 1676

Trailers, Motor Vehicle Act amended as to licensing of ... 323

Trucks of farmers, special license plates ... 323

U-Drive-It passenger vehicles, defined ... 924

Used cars from out-of-state, inspection required before registration in State ... 695

Weight of vehicles and load, law rewritten ... 1534

Local:

Albermarle, appropriation of parking meter revenues for recreation, planning, advertising, etc. ... 253

Clay County, Commissioner of Motor Vehicles to furnish list for tax purposes ... 53

Durham, taxicabs, additional license and privilege taxes ... 410

Edenton, parking meters, election on question of continued use ... 681

Erwin:

Fire department vehicles, right of way ... 31

State highway and motor vehicles laws made applicable ... 30

Forsyth County, parking on school and church properties regulated ... 147

Iredell County, motor vehicle races prohibited on Sunday ... 346

Laurinburg, law amended as to traffic bureau, procedure and penalties for violations ... 591

Richmond County, regulation of operation of taxicabs ... 104

Roanoke Rapids, parking meters, allocation of proceeds ... 5

Sanford, parking meters, distribution of proceeds ... 637

Sharpsburg, traffic bureau, establishment authorized ... 910

Statesville, law regulating use of funds from parking meters ... 576

Wagram, traffic bureau, establishment authorized ... 1556

Wake County, motor vehicle races on Sunday prohibited ... 146

Whitakers, traffic bureau, establishment authorized ... 910

Page

Motorcycles:
Wake County, races on Sunday prohibited 146

Mount Airy, Town of:
Election of mayor and commissioners; division of town into wards 207, 741

Mount Holly, Town of:
Board of aldermen, election and terms of office 638

Municipal Board of Control:
Authority to allow organization of municipal corporations for construction and operation of toll roads 1162

Municipal Corporations: (For local Acts, see under particular City or Town)
ABC employees, participation in Local Governmental Employees Retirement System 1152
ABC laws, provision for better enforcement of 1637
Agricultural products, tax valuation when held by stabilization and marketing associations 820
Aycock, Charles B., Memorial Commission, municipalities authorized to appropriate surplus funds to 1160
Boards of Adjustment, appointment of alternate members, law amended 1109
Bonds and Notes:
Application to Local Government Commission for approval of issuance 1252
Extension of time for issuance 155
Investment of proceeds pending use 968
Building permits, law relating to issuance, amended 1060
City Administrative school units, insurance of public school property by State 1436
City busses, permanent license plates issued by State 588
City clerk, appointment of deputy by governing body authorized 18
Disabled veterans, motor vehicles donated by U. S. government, tax exemption 100
Domestic relations courts:
Establishment by two cities in same county meeting population prerequisites 1082
Population requirements for establishment, amended 417
Election of officials in newly incorporated municipality 1250
Elections and primaries, purchase and use of automatic voting machines, authorized 278
Elections on bond issues or tax levies, result determined by majority of those voting 492

Page

Municipal Corporations—(Continued)
Electric interurban railway companies, law as to operations over municipal streets, amended 491
Farm products for shipment in foreign commerce, in seaport towns, exemption from taxation 1662
Federal Social Security Act, participation by municipalities upon Congressional extension of Act to municipal employees 79
Fire Department Employees:
Certain heart diseases compensable under Workmen's Compensation Act 1239
Rights and immunities, while performing duties outside corporate limits 68
Firemen's Relief Fund, appointment of trustees, law amended 1211
Franchise tax on public service companies:
Limitation of tax by municipalities 381
State revenue allocations to municipalities 380
Housing Authorities, employees eligibility to participate in retirement system 198
Law Enforcement Officers' Benefit and Retirement Fund; amended as to payments 1213
Law enforcement officers, election as to membership in retirement systems 1149
License Taxes:
Outdoor, drive-in theatres, limitations on taxes prescribed 378
Re-adoption of existing ordinance by reference 1060
Local Government Act, scope defined 1054
Malt beverages, regulation of sale and distribution 1099
Motor vehicles, regulation of speed on streets not part of State Highway system 1073
N. C. Armory Commission, conveyances to State for armory purposes, Act amended 1226
N. C. League of Municipalities, eligibility of employees to participate in retirement system 198
N. C. State Firemen's Association, law as to value of property held by, amended 221
Non-profit hospitals, appropriations, tax levies, bond issues, for construction and operation 876
Powers, law amended to include maintenance of jails 1063
Privilege license taxes, readoption of existing ordinance by reference 1060
Public building contracts, law amended; application limited to contracts involving $15,000 or more 1359

Page

Municipal Corporations—(Continued)
Public libraries:
Limitation on special tax levy for library purposes increased 322
Power of municipality to support libraries 321
Purchase contracts, banks qualified to certify checks accompanying bids 222
Recreation Enabling Law, amendments to 1529
Revenue Bond Act of 1938, amended 1244
School districts, law relating to special elections amended 1044
School funds, administration of 1245
Schools, City Administrative Units, creation of, in contiguous portions of two or more counties 610
Sewage disposal systems, issuance of revenue bonds for construction of 1542
Smoke abatement, municipal powers restricted as to regulation of coal burning railroad locomotives 600
Streets and bridges, State-maintained, relief from liability for civil damages with respect to 971
Streets, corporate powers as to closing of, amended 1537
Toll roads, organization of municipal corporations for purpose of constructing and operating 1162
Voting machines, purchase of, authorized 278
Workmen's Compensation Act:
Coverage of employees engaged in duties outside limits 396
Firemen, certain heart diseases compensable as occupational disease 1239
Zoning, joint functioning between municipalities and sanitary districts, authorized 1385

Municipal Courts: (See also Recorder's Courts)
Clayton, jurisdiction of court extended beyond corporate limits 983
Greensboro, Act as to municipal county court, amended 717
Henderson, consolidation with Recorder's Court of Vance County 408
High Point:
Compensation of court officials 736
Officials authorized to issue criminal processes 737
New Bern, election on question of making municipal recorder an appointive officer 670
North Wilkesboro:
Appointment of judge of special court; salaries of court officials 1382
Salaries of judge and solicitor 1293
Raleigh, Act relating to City Court, rewritten 1272

Page

Municipal Elections—See Elections and Election Laws

Municipal Finance Act:
General:
Bond elections, result determined by majority of those voting 492
Extension of time for issuance of bonds 155
Local:
Carolina Beach, application of Act to election on tax levy for advertising and other purposes 279
Columbus, extension of time for issuance of certain bonds 1117
Newport, placed under provisions of Act 87
Walnut Cove, extension of time for issuance of certain bonds 1117

Municipal Hospital Facilities Act:
Tax levy elections, result determined by majority of those voting 492

Municipalities—See Municipal Corporations

Murphy, Town of:
Blumenthal Street, conveyance of abandoned portion of street authorized 742
Mayor's Court, certain costs taxed for maintenance of law library 1027
Municipal election laws; nomination of candidates 242

Music:
Supervisor of Music Education, appointment authorized 1111

Mutual Associations:
Farmers Mutual Fire Insurance Association, law amended to raise limit of risk in any one county 695
Income tax exemptions 382
Mutual Burial Associations, law as to operation, amended; assessments for supervision expense 170
Mutual Housing Associations, organization of, authorized; membership limited to veteran 1195

N

Nags Head, Town of:
Act incorporating town repealed 36

Names of Persons:
Change of name of child in adoption proceedings 274

Nash County:
Anti-rabies law, amended as to county 1559

Page

Nash County—(Continued)
Board of county commissioners, travel allowances 94
Fees and commissions of sheriff and other officers 1203
Justices of the peace, schedule of fees 617
Rocky Mount City Administrative School Unit, election on school building bonds; participation in county capital outlay funds 675
Summons by publication, Nash County excepted from law removing limitation on newspaper charges 173
Twin County Peace Officers' Relief Act 1513

National Guard:
General:
Age limit lowered 1322
Courts-Martial, powers 1323
Motor vehicle license plates, numbering of 1324
N. C. Armory Commission:
Appropriations, unexpended portions to constitute permanent fund 1527
Conveyances to State for armory purposes, Act amended 1226
Officers authorized to administer oaths 1324
Pay rates and allowances, schedules of 1323
Retirement of officers 1323

Local:
Albermarle, appropriation of funds towards purchase of equipment for armory 253
Goldsboro, conveyance of land to State for military purposes 1665

Navy:
Naval militia, age requirements 1322
Beaufort County, exemption from law prohibiting use of name "Navy" by commercial businesses 968

Neighborhood Public Roads:
Proceedings to establish, alter, or discontinue, law amended 1545

Negotiable Instruments: (See also Bad Checks)
Cashiers' checks for transmission of funds to Commissioner of Revenue, charges regulated 1441
Checks, payment by drawee bank, deemed conditional, unless accepted or certified; exceptions 1079
Checks required of bidders on public contracts, banks eligible to make certification 222
Instrument payable to bearer, definition 1078
Photostatic copies where items lost in chain of collection 927

Page

Nets, swinging:
Hyde County, use of in commercial fishing permitted in certain bays 1004

Neuse River:
Use of waters in the operation of steam electric generating plants 612

New Bern, City of:
Board of aldermen, increase in compensation, subject to election 669
Election of aldermen, charter amended 674
Municipal Recorder's Court, referendum on making recorder an appointive officer 670
Private sale of certain property authorized 1520
Salary of mayor, election on reduction of 671
State retirement system for local government employees, election on city's participation 670
Taxes, adjustment of certain delinquent taxes 548
Tryon's Palace, law authorizing restoration, amended 199

New Hanover County:
ABC profits and certain other funds, expenditure for certain public purposes authorized 32
Assistant County Solicitor, appointment; compensation 392
Board of Commissioners, payment of monthly pension to W. N. Harriss 1051
Board of Elections, supervision by chairman of balloting for town officials of Kure Beach 592
Filing of accounts against county, law amended 393
Nixon, Mrs. Margaret:
Eligibility for benefits under retirement system 886
Pension authorized 1207
Pensions for public school system employees 886
Superior Court terms 716
Taxes, revaluation of property deferred 535

Newport, Town of:
Municipal Finance Act, application to town 87

Newspapers—See Publication Laws

Newton, City of:
ABC stores, election on establishment of; allocation of profits 1659
Corporate limits redefined 82
Election of mayor and aldermen; terms 70
Name of town changed to "City of Newton" 71

Page

Newton City of—Continued)
Special election on adoption of city manager form of government 69
Water tanks, authority to sell at private sale 881

Nixon, Mrs. Margaret:
Eligibility for benefits under retirement system 886
Pension authorized 1207

Non-Profit Corporations—See Corporations

North Carolina Aeronautics Commission:
Abolition 973

North Carolina Armory Commission:
Appropriations, unexpended portions to constitute permanent fund 1527
Conveyances to State for armory purposes, Act amended 1226

North Carolina Board of Chiropractic Examiners:
Law amended as to meetings, powers, duties, etc. 892

North Carolina Chiropractic Association:
Law amended relating to meetings 892

North Carolina Communications Study Commission:
Creation of 1235

North Carolina Constitution:
Proposed amendments:
To amend Article I, Section 12, to permit waiver of indictment in certain criminal cases 581
To amend Article II, to safeguard funds of the Teachers' and State Employees' Retirement System 932
To amend Article II, Section 28, to increase salaries of members and presiding officers of General Assembly 1661
To amend Article IV, Section 10, as to election of Superior Court Judges 391
To amend Article IV, Section 11:
To empower legislature to define jurisdiction of Special Superior Court Judges 882, 1523
To permit assignment of Superior Court Judges by Chief Justice 882, 1523

North Carolina Feed Law:
Act amended 648

North Carolina Fertilizer Law:
Act amended 646

Page

North Carolina Food, Drug and Cosmetic Act:
Amended as to drugs deemed misbranded 343

North Carolina Hospitals Board of Control
Camp Butner property:
Application of State Motor Vehicle laws 58
Construction of buildings without complying with G. S., Ch. 143, Art. 8 1563
Prison for youthful offenders; employment of prisoners by board 259
Regulatory powers of board 58
Surplus real property, authority of Board to dispose of 58
Employees paid from federal funds, placed under merit system law 486
Establishment of facilities for treatment of alcoholics 1531

North Carolina Industrial Commission:
Tort claims against State agencies and departments, determination by commission; claimants listed 1360, 1570, 1676
Workmen's Compensation Act:
Firemen, disease compensable as occupational disease 1239
Municipal fire department employees, coverage while performing duties outside corporate limits 68
Spinal paralysis, benefits for permanent total disability on account of 1153
State, county and municipal employees, coverage while engaged in extra-territorial duties 396

North Carolina League of Municipalities:
Employees, eligibility for participation in Local Governmental Employees Retirement System 198

North Carolina Library Commission:
Public library service fund, law relating to appropriations amended 199
School libraries, relieved of duty of making annual reports to commission 199

North Carolina Local Government Act:
Application to all units having power to levy ad valorem taxes 1054
Application to bonds and notes issued under hospital facilities act 875
Bonds and notes, application to Local Government Commission for approval of issuance, law amended 1252
Investment of bond proceeds pending use, Act amended as to 968
Revenue Bond Act of 1938, amended 1244

Page

North Carolina Local Governmental Employees' Retirement System:
General:
County welfare and health departments, membership of employees 1150
District health departments, membership of employees 1149
Employers and employees eligible for participation, redefined 198
Housing Authorities' employees, eligibility to participate in retirement program 198
Law enforcement officers, Act amended as to membership in system 1149
Local ABC employees, participation in system, authorized 1152
Regional library employees, participation in system 1052

Local:
Charlotte, law enforcement officers, provisions for withdrawal from system 1129
Greenville, appropriations authorized to supplement retirement benefits of certain municipal employees 563
New Bern, election on question of city's participation 670

North Carolina Medical Care Commission—See Medical Care

North Carolina Sanitorium:
Lenoir County, appropriation of funds to settle claims of sanitorium 474
Tubercular prisoners, treatment of; responsibility for safe-keeping transferred 1359

North Carolina Seed Law:
Act rewritten 821

North Carolina State Board of Cosmetic Art Examiners:
Injunction proceedings to enforce sanitary regulations under Cosmetic Art Act 500

North Carolina State Board of Embalmers and Funeral Directors:
Appointment of members; regulatory powers; embalmer's license fees 1075

North Carolina State Board of Examiners in Optometry:
Examination for license to practice optometry, age requirements amended 325

North Carolina State Board of Health—See State Board of Health

North Carolina State College of Agriculture and Engineering:
Athletic stadium, enlargement authorized 1206
Construction of Alumni Memorial Building 1204

Page

North Carolina State Employment Service—See Employment Security Law

North Carolina State Fireman's Association:
Value of property to be held by, law amended 221

North Carolina State Ports Authority:
Act relating to, amended 1005
State Ports Bond Act of 1949 929

North Carolina Unemployment Compensation Commission—See Employment Security Law

North Carolina Utilities Commission:
Assistant Attorney General, assignment to commission 1173
Bus Act of 1949 ..... 1325, 1677
Commission membership increased; organization; technically qualified personnel 1147
Coordination of facilities and personnel with State Board of Assessment, for rate-making and taxation purposes 1174
Crossings of transmission lines and rights-of-way of one utility by another, regulation of 1171
Municipal corporations, electric and gas utility systems, certificate of convenience and necessity required 1244
Powers to compel efficient, adequate service, extensions, etc., law amended 1173
Procedure Act of 1949 1118
Regulatory powers, law amended as to 1171

North Carolina Veterans Commission:
Appropriation for supplement to county funds for county veterans service officer 1690
Membership 436
"Veterans organization" defined 435

North Carolina Wildlife Resources Commission:
General:
Expenditure of funds derived from license fees 1528
Local:
Caswell County, sale of fish from private ponds by owners; permit required 1663
Moore County, sale of fish from private ponds by owners; permit required 1663

North Carolina Workmen's Compensation Act—See Workmen's Compensation Act

Page

North Wilkesboro, Town of:
Judge and solicitor of town court, salaries 1293
Mayor, salary of 1293
Special court, appointment of judge; salaries of court officials 1382

Northampton County:
Clerk of Superior Court, payment of certain unclaimed fees to school fund 742
Conveyance of Potecasi School property to Pine Grove, Inc., authorized 23
Conway, law enforcement officers, powers of arrest extended beyond corporate limits 860

Notaries Public:
Acts performed prior to qualification validated 1

Notes—See Bonds and Notes

Nuisances, Public:
Places used for illegal sale of narcotic drugs 1402
Poisonous reptiles, handling in certain cases, declared nuisance; punishment 1250
Sanitary districts, power to abate nuisances 1356
Smoke abatement, municipal powers restricted as to regulation of coal burning railroad locomotives 600

O

Oaths:
Clerks of Superior Courts, power to administer oaths, law amended 49
Officers of National Guard, authority to administer oaths 1324

Official Bonds—See Surety Bonds

Oleomargarine:
Law relating to sale of, amended 1108

Omnibus Boards of Education Act 1423

Omnibus Justice of the Peace Act 805-819
Amendments 1229, 1564, 1565, 1568, 1678

Onslow County:
ABC Board, payment of certain moneys into county general fund 459
ABC store profits, allocations to municipalities 1386
Commercial fishing, exemption of residents from portion of license taxes 1003

Page

Onslow County—(Continued)
Dogs, law relating to liability for damages by, amended 103
Jurors, procedure for excusing women from jury service 729

Optometry:
Examination for license to practice, Act amended as to age requirements 325

Orange County:
Chapel Hill City Administrative Unit, levy and collection of school taxes transferred to county 1046
Chapel Hill, planning and zoning powers extended beyond corporate limits 640
Chapel Hill Recorder's Court, transfer of cases to superior court upon demand for jury trial 247

Ordinances:
Municipal corporations, readoption of existing license tax ordinance by reference 1060

Oteen, Town of:
Veterans' Hospital, appropriation for improvement of guest house 1552

Oxford, City of:
City Manager form of government, election on adoption of 185
Elective officials, terms established 452
Fire department, Granville County authorized to appropriate funds for benefit of 1391

Oysters:
Brunswick County, law relating to leases of oyster beds; limitation of time for protesting leases 1174

P

Palmistry:
Anson County, practice prohibited; punishment 1569
Mecklenburg County, practice prohibited; punishment 1059

Pamlico County:
Election of commissioners, law relating to, amended 112
Salaries of clerk of superior court, register of deeds, deputy sheriff, recorder's court judge 1062

Pamlico River:
Setting of pound nets between certain points, prohibited; punishment 1175

Page

Parent and Child:

Abandonment of children by either parent, penalty for ... 919

Act to protect children born to parents marrying under minimum age ... 1161

Adoption law rewritten ... 264

Custody of children of parents divorced outside of State ... 1148

Disabled World War veterans, free tuition at State educational institutions for children of ... 1192

Premature births, notice to local health authorities by physicians or midwives; care of infants ... 485

Separating child under six months old from mother, certain cases unlawful ... 486

Parking Meters:

Albermarle, appropriation of parking meter revenues for certain purposes ... 253

Edenton, election on question of continued use of parking meters ... 681

Roanoke Rapids, use of proceeds for recreational facilities authorized ... 5

Sanford, allocation of proceeds for recreational program authorized ... 637

Statesville, law regulating use of funds from parking meters ... 576

Parks and Public Squares: (See also Recreation Programs)

General:

Recreation Enabling Law, amendments to ... 596

Local:

Carteret County, Board of Education, rental of property for recreational purposes ... 305

Charlotte:

Construction and operation of recreational facilities; issuance of bonds ... 1181

Law as to election on tax levy for parks and recreation purposes repealed ... 596

Dare County, community center, board of trustees, law amended as to powers and duties ... 1285

Greensboro, City Administrative Unit authorized to lease property for stadium ... 11

Greenville, appropriations for recreation and playground activities ... 451

Lumberton, public golf course and recreation grounds, powers of trustees amended ... 313

Polk County, Tryon Township, election on tax levy for maintenance of recreation grounds ... 902

Page

Paroles Commissioner—See State Officials

Partition Proceedings:
Compensation of commissioners, law amended 1106
Report of commissioners, clerk of superior court authorized to extend time for filing 19
Standing timber, law relating to proceedings for sale amended 33

Pasquotank County:
Agricultural and Breeders' Association Commission, creation; promotion and regulation of horse racing; subject to election 1064
Deputy sheriff, compensation 145
Public address systems, regulation of 924
Act repealed 1392
Recorder's Court, fees of prosecuting attorney and trial justice 204, 909
Salaries of certain court officers increased 113
Sheriff, expense allowance authorized 682
Superior Court terms 986

Patrol—See State Highway Patrol

Paving Assessments—See under particular City or Town

Peace Officers—See Law Enforcement Officers

Pelham, Town of:
Old Pelham Graded School lot, sale by county board of education to Pelham Methodist Church, authorized 81

Pembroke State College for Indians:
Name changed to Pembroke State College 49

Penal and Correctional Institutions—See Prisons and Prisoners

Pender County:
Appropriation by commissioners to aid in constructing American Legion Hut, ratified 68
Auditor to act as clerk to board of commissioners 107
Board of Commissioners:
Law as to nomination of candidates, amended 565
Law relating to election of members, amended 178
Board of Education, membership increased, election of members 550
Bonds, law relating to issuance of, repealed 156
Hospital site, appropriation of surplus funds for purchase 298
Justices of the Peace Act, biennial appointments, amended as to county 1568

Page

Pender County—(Continued)
Revaluation and reassessment of taxable property, appropriations to defray costs 1281

Pensions—See Retirement Systems

Permanent Improvement Appropriation Act of 1949 1575-1616

Perquimans County:
Depredations of domestic fowls, law concerning, made applicable 1555
Hertford ABC stores:
Law authorizing referendum; inoperative upon call of county election 1430
Participation in profits by county, if stores established 1430
Recorder's Court, appointment of clerk; salary 1169
Register of Deeds, schedule of fees 685
Superior Court, terms 231
Taxes, allocation of delinquent tax collections 1136

Person County:
Justices of the peace, schedule of fees and costs 159

Personal Property:
Conditional sales contracts, deficiency judgments after exercising power of sale 967
Corporations, conditional sales contracts, chattel mortgages, etc., execution and form of probate 1557
Execution sales, regulations and procedure 757, 775
Future interest, disposition of property held by a class, when class subject to increase 920
Judicial sales, regulations and procedure 757
Sale of personal property; validity of encumbrances created in another state 1322
Sales under power of sale, regulations and procedure 788

Personal Representatives—See Executors and Administrators

Physicians and Surgeons:
Cancer, reporting of cases to public health officers required 495
Medical student loans, credits for professional services in rural areas 1154
Premature births, notice to local health authorities required; care of infants 485

Pine Level, Town of:
Board of Commissioners, number increased; power and duties of mayor 1319

Page

Pinehurst, Village of:
"Municipality of Pinehurst" created for law enforcement purposes 1131

Pink Hill, Town of:
Corporate limits, extended and redefined 1092

Pitt County:
Bingo, law regulating game, made applicable to county 563
Board of county commissioners, compensation of chairman and members 1674
Board of education, compensation of chairman and members 399
County Court, jurisdiction over cases involving worthless checks 62
Court Reporter, compensation of 1513
Deputies sheriff, number and compensation 399
Farmville Mayor's Court, jurisdiction extended 93
Peace Officers' Protective Association, law amended to include officers of justice of the peace courts 376
Pitt County Hospital, appointment of members of board of trustees; terms 985
Recorder's Court, increase of salaries of officials, authorized 398
Road bond funds, transfer of surplus to certain school districts authorized 324
School supplement tax levy in certain districts, election on 106
Superior Court terms 975
Superior Court terms, law amended as to trial of defendants confined in jail 1574
Tar River Port Commission, law amended as to issuance of revenue bonds or notes 1560

Planning and Planning Boards—See Zoning Laws and Regulations

Plats—See Maps and Surveys

Plymouth, Town of:
Division of town into wards upon extension of corporate limits 161
Sale of certain property authorized 26

Poisonous Reptiles:
Regulation of ownership, handling and use; punishment for violations 1250

Police Courts:
Asheville, compensation of officials; appointment of substitute judge 1169
Clyde, election and term of office of judge 917

Police Officers—See Law Enforcement Officers or under particular local unit

Page

Police Officers' Pension Funds—See under Retirement Systems

Policemen—See Law Enforcement Officers or under particular municipality

Political Parties:
Creation and regulation of, law amended 691
Registration of voters, law relating to, amended 1040

Polk County:
Board of education, election and terms of office 730
Deputy sheriff and jailer, compensation 312
Justices of the peace, schedule of fees 834
Sheriff, travel allowance 846
Tryon Township, special election on tax levy for maintenance of Harmon Field 902

Pool and Billiard Rooms:
Avery County, Act permitting operation of pool rooms 1573
Davie County, Clarkville Township, Sunday operation regulated 548

Ports:
Morehead City Port Commission, issuance and sale of refunding bonds 97
N. C. State Ports Authority, Act amended 1005
State Ports Bond Act of 1949 929
Tar River Port Commission, law amended as to issuance of bonds and notes; tax exemption 1560

Posted Land:
Trespass, while hunting, etc., without written consent, made misdemeanor 1002

Post-War Reserve Fund:
Transfer of funds for aid to counties in building, repairing, etc., of school plants 1628

Pre-Trial Hearings:
Act to provide for pre-trial hearings in civil cases 415

Primaries—See Elections and Election Laws

Printing:
Codification of Machinery Act and amendments, ordered printed 334
Codification of Revenue Act and amendments, ordered printed 390, 1433

Prison Advisory Council:
Creation; membership; functions; etc. 327

Page

Prisons and Prisoners:

General:

Detainer of prisoners to account for other pending charges, limitations; procedure prescribed 280

Inebriates, temporary confinement pending hearing 1110

Municipal corporations, power to establish and operate jails 1063

Prison Advisory Council, creation; membership, etc. 327

Tubercular prisoners, medical care; responsibility for safe-keeping 1359

Youthful offenders, prison for, at Camp Butner, establishment and operation 259

Local:

Caswell County, jail fees taxed as costs in criminal cases 739

Columbus County, fees of jailer 410

Creedmoor, jail fees taxed as part of costs, payable to town 394

Hamlet, fees of jailer 78

McDowell County, fees of jailer 305

Scotland County:

Fees of jailer 64

Turnkey fees for admission and release of prisoners 683

Scotland Neck, jail fees taxed as costs in criminal cases 642

Stanly County, fees for feeding prisoners authorized 139

Transylvania County, jail fees 621

Private Corporations—See Corporations

Probate and Registration: (See also Register of Deeds; Salaries and Fees)

General:

Acknowledgment and execution of instruments by attorneys-in-fact, law amended 54

Assistant Register of Deeds, appointment authorized 225

Attested writings, proof of, law amended 925

Clerks of superior courts:

Powers as to administering oaths and taking acknowledgments amended 49

Prior acts of deputies in taking acknowledgments, etc., validated 1232

Closing of streets, recording of notices as to 1537

Conditional sales and similar contracts, execution by corporations, form of probate 1557

Corporations, certain corporate conveyances validated 442

Page

Probate and Registration—(Continued)
General—(Continued)
Deeds executed in other states, with maker's seal omitted, validated 67, 259
Deeds with omission of order of registration by clerk of superior court, validated 487
Missing persons, probate of wills; administration procedure 583
Notaries public, acts performed prior to qualification validated 1
Personal property, validity of encumbrances created in another State 1322
Plats and maps, prior recordings by certain methods validated 1232

Local:
Durham (City), regulations as to plats of proposed subdivisions 338
Edgecombe County, maps and plats, requirements for registration 1117
Forsyth County, photostating, photographing, etc., of public records, authorized 567
Franklin County, law validating certain conveyances, amended 374
Guilford County, regulation of recording of plats of real estate subdivisions 994
Reidsville, regulations as to plats of proposed real estate subdivisions 338
Wake County, authority for photostating, photographing records; disposal of inactive records 1293

Probate of Wills—See Wills

Process—See Civil Procedure; See Criminal Procedure

Professional Bondsmen:
Bladen County, licensing and regulation of by county and municipalities 613
Durham County, licensing and regulation of 1023, 1574
Mecklenburg County, licensing and regulation of 1221

Prohibition Laws—See Alcoholic Beverages

Public Address Systems—See Anti-Noise Laws

Public Building Contracts—See Purchases and Contracts

Public Contracts—See Purchases and Contracts

Public Drunkenness:
Avery County, punishment 1005

Page

Public Drunkenness—(Continued)
Caldwell County, law amended as to punishment 1394
Davidson County, punishment 44, 1522
Graham County, punishment 181
Lenoir County, punishment 182
Martin County, punishment 302
Wake County, punishment 209

Public Ginneries:
Registration of cotton received; numbering of bales 939

Public Health:
General:
Anti-rabies law, amended as to vaccinations 663
Bedding stamps, law as to price amended 645
Cancer clinics, standards of State Board of Health, law amended 1231
Cancer, reporting of cases to public health officers required 495
County health departments, membership of employees in retirement system 1150
District Boards of Health:
Employees, participation in retirement system 1149
Penalty for violation of rules and regulations 133
Drugs, misbranding of, law amended 343
Hospital Facilities Act, amended as to bond issues, tax levies, elections, etc. 870
Local registrars of vital statistics, law as to compensation amended 282
Medical Care Commission:
Administration of statewide plan for hospital construction, etc. 598
Allowance of credits on student loan for professional services in rural areas 1154
Milk and cream, regulation of products from other States 934
Non-profit hospitals, appropriations, tax levies, bond issues, by local governments for construction, etc. 876
Poisonous reptiles, regulation of ownership and use 1250
Premature births, notice to local health authorities; care of infants 485
Sanitary Districts, additional corporate powers, to compel water, sewer connections; abatement of nuisances; etc. 1356
Sanitary regulations adopted under Cosmetic Art Act, enforcement by injunction proceedings 500

Page

Public Health—(Continued)

Local:

Bertie County, compensation of members of district and county boards of health 700

Concord, appointment of sanitary inspectors for watershed 1001

Guilford County Board of Health, creation, powers, duties, etc. 863

Henderson County special tax levy for benefit of certain non-profit hospitals 596

Hertford County, election on tax levy for benefit of Roanoke-Chowan Hospital, Inc. 900

Hyde County, special tax levy for public health purposes authorized 926

McDowell County, enforcement of district health department regulations, law amended 961

Pitt County, appointment of members of board of trustees, Pitt County Hospital 985

Public Hospitals—See Hospitals

Public Libraries—See Libraries

Public Nuisances—See Nuisances

Public Officials: (See State Officials; See under particular County, City or Town)

Corrupt Practices Act, removal from office of officials convicted of violations 499

Public Records:

General:

Adoption of minors, records of proceedings not open to general public inspection 275

Birth and death records, certain information available for official use only 134

Local:

Durham County, recorder's court records, change in system; disposition of old records 1095

Forsyth County:

Law regulating keeping, docketing, destruction, etc., of certain records of clerk of superior court 1089

Photostating or photographing of records, authorized 567

Henderson County, clerk of superior court authorized to destroy records in certain tax foreclosure suits 597

Wake County, authority for photostating, photographing; disposal of inactive records 1293

Page

Public Recreation—See Recreation Programs

Public Roads—See Roads and Highways

Public Sales: (See also Deeds and Conveyances)
Execution sales, regulatory law 757, 775
Judicial sales, regulations 757
Sales under power, regulations and procedure 788

Public School Insurance Fund:
Establishment of 1436

Public Schools—See Schools and School Districts

Public Utilities:
General:
Churches, authority to obtain easements for electric, telephone, sewer or water lines; law amended 357
Electric interurban railway companies, law regulating operations over municipal streets, amended 491
N. C. Utilities Commission:
Assistant Attorney General, assignment to commission 1173
Bus Act of 1949 1325, 1677
Commission membership increased; organization; technically qualified personnel 1147
Coordination of facilities and personnel with State Board of Assessment, for rate-making and taxation purposes 1174
Crossings of transmission lines and rights-of-way of one utility by another, regulation of 1171
Municipal corporations, electric and gas utility systems, certificate of convenience and necessity required 1244
Powers to compel efficient, adequate service, extensions, etc., law amended 1173
Procedure Act of 1949 1118
Regulatory powers, law amended as to 1171
Railroads, municipalities restricted in regulation of smoke emission from coal burning locomotives 600
University of North Carolina, authority to dispose of certain utility systems 673

Local:
Charlotte, authority to grant easements, rights-of-way to railroad companies 1092
Washington (city), spur railroad crossings over public streets, authorized 556

Page

Public Weigh Masters:
Application for license, law amended 1112

Public Welfare:
General:
Adoption of minors, law rewritten 264
Child under six months old, separation from mother unlawful in certain cases 486
Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped, establishment of 1539
General assistance to needy persons, establishment of system; federal grants-in-aid; etc. 1186

Local:
Edgecombe County, Superintendent of County Home, appointment, term, removal 195
Lenoir County, Superintendent of Public Welfare Emeritus, creation of position; qualifications, duties, etc. 974
Reidsville, aid and support of indigent citizens authorized 148

Public Works Eminent Domain Law:
Municipal corporations organized to construct and operate toll roads, eminent domain powers 1162

Publication Laws:
General:
Administrators' notice to creditors, law amended 43
Adoption of minors, service of summons by publication in special proceeding 267
Bus Act of 1949:
Publication of notice of hearings 1336
Publication of proposed general orders of N. C. Utilities Commission 1331
Defense after judgment on substituted service, annulment actions excepted 222
Department of Insurance, publication of notice of hearing on change of rating schedules 1241
Execution sales, publication of notices 776, 782
Foreclosure sales under power of sale, publication of notices 794, 799
Hospital Facilities Act, publication of notices relating to elections 872
Judicial sales, publication of notices 764, 769
Municipal corporations, organization to construct and operate toll roads, publication of notice of proceedings 1162

Page

Publication Laws—(Continued)
General—(Continued)
Notice to creditors of decedent not required in certain instances — 52
Radio stations, liability for defamatory statements — 226
Sanitary districts:
Publication of notice of hearing in proceedings to establish zoning area — 1385
Publication of resolutions, election notices, etc. — 988
Summons by publication, regulation of newspaper charges; Nash County exception — 173
Summons, service by publication in action for annulment of marriage — 66
Unclaimed funds held by life insurance companies, notice published by Insurance Commissioner — 705
Local:
Avery County, quarterly publication of receipts and expenditures by County Commissioners and education board — 954
Caswell County, Board of Education, publication of quarterly reports of expenditures — 358
Currituck County, law as to publication of minutes, County Commissioners and board of education, repealed — 1396
Forsyth County, public administrator, publication of notice to creditors not required in certain instances — 634
Granville County, notice of hearings on zoning regulations, law amended — 611
Halifax County, publication of notice of special registration period for voters, Roanoke Rapids Township — 572
High Point, publication of notices in connection with creation, modification, etc. of voting districts — 951
Lenoir County, publication of notes or information taken by clerk as to proceedings of County Commissioners, prohibited — 969
Mitchell County, Board of Education, publication of expenditures — 142
Raleigh, charter rewritten, including provisions as to publication of various legal notices — 1442
Rocky Mount, publication of notices relating to election on issuance of school building bonds — 676

Purchases and Contract:
General:
Automatic voting machines, authority of counties and municipalities to purchase — 278

Page

Purchases and Contract—(Continued)
General—(Continued)
Building contracts and procedure; application of law limited to contracts involving $15,000 or more 1359
N. C. Hospitals Board of Control, exemption from regulatory law as to certain building at Camp Butner 1563
Public purchases and construction contracts:
Application of law limited to contracts involving $15,000 or more 1359
Banks authorized to certify checks accompanying bids 222
State Division of Purchase and Contract, administration of surplus assets of inoperative boards 844

Local:
Charlotte, law amended as to letting of contracts and purchasing procedure 562
Duplin County, Board of Education, construction contracts exempt from Public Contracts law (G. S. 143, Art. 8) 285
Edgecombe County Drainage District No. 2, authority to do construction and maintenance work with own forces 579
Franklin County, law amended as to school building construction 194
Greensboro, procedure for letting of public contracts, law amended 446
Guilford County, procedure for letting public contracts, law amended 446
Raleigh, procedure for purchases and contracts, charter provisions 1442, 1484
Red Springs, purchasing procedure 1644
Wayne County, law amended as to school building construction 194

Pure Food and Drug Laws:
Bakery products containing souvenirs, etc., prohibited 1114
Bread, standard loaf established 1143
Cereal products in used containers, prohibited 1115
Drugs deemed misbranded, law amended 343
Oleomargarine, law relating to sale and distribution amended 1108

R

Rabbits:
Purchase or sale for resale prohibited 1530

Rabies—See Anti-Rabies Laws

Page

Racing:
Currituck County Racing Commission, election on creation of 543
Morehead City, franchise tax, dog racing, law amended 630
Pasquotank County, commission created to promote and regulate operation of horse racing course, subject to election 1064

Radio Stations:
Liability for defamatory statements 226

Raeford, Town of:
Ad valorem tax rate, maximum increased 101
Taxes, law as to levy and collection, amended 896

Railroads—See Public Utilities

Raleigh, City of:
Building code, application beyond corporate limits 540
Charter, rewritten 1442
City Court:
Act establishing, amended 1272
Bill of costs 1279
Electrical and plumbing installations, inspection of beyond corporate limits 540
Notice of claim prerequisite to bringing civil action for damages; time limitation 1511
Planning and zoning powers extended beyond corporate limits; enlargement of Planning Commission 541
Public Improvement Bonds, use of proceeds for purchase of fire equipment other than that specified 447
Release to Shaw University of interest of city in certain land 172
Shaw University, corporate charter amended as to powers; tax exemption 1288
Wake County and City authorized to consolidate tax listing and collecting functions 351

Ramseur, Town of:
Nomination and election of mayor and commissioners 210

Randolph County:
County Commissioners, compensation 206
Fees of jurors 966
Liberty police officers, jurisdiction extended beyond corporate limits 1571
Witness fees and mileage allowances, law amended; disposition of unclaimed fees 526

Page

Real Estate: (See also Deeds and Conveyances; Mortgages and Deeds of Trust; Estates)
Guardians, appointment of ancillary guardian for incompetent non-resident having real property in State 1116
Execution sales, regulations and procedure 757, 775
Judicial sales, regulations and procedure 757
Posted land, hunting and fishing without written consent of owner prohibited 1002
Partition proceedings, compensation of commissioners 1106
Sales under power of sale, regulations and procedure 788

Real Estate Developments:
Durham, municipal regulation of 338
Guilford County, regulations as to recording of plats of subdivisions 994
Reidsville, municipal regulation of 338

Real Estate License:
Reciprocity required in granting license to non-resident 707

Receivers and Receiverships:
Judicial sales, regulations and procedure 757

Recorder's Courts:
Apex, salary and oath of judge of Recorder's Court 293
Aurora, salary of recorder 1358
Beaufort County:
Recorder's Court at Belhaven, compensation of prosecuting attorney 638
Salaries of clerks at Belhaven, Washington and Aurora 316
Schedule of costs in criminal actions; clerks to file report 232
Belhaven, salary of recorder 1358
Belmont, law relating to establishment of recorder's court, amended 978
Caldwell County, Vice-Recorder, appointment authorized 1523
Caswell County, trial by jury; jury fees 229
Chapel Hill, transfer of cases to superior court upon demand for jury trial 247
Chowan County, salaries of recorder's court officials 687
Columbus County, fees of clerk of Recorder's Court 466
Craven County, appointment of assistant clerk 715
Currituck County, County Recorder's Court established; jurisdiction; election and compensation of officers; etc. 237

Page

Recorder's Courts—(Continued)
Dunn:
Salaries of recorder and solicitor ... 1097
Trial by jury; office of Vice-Recorder abolished ... 1140
Durham County:
Change in record system of court authorized; disposition of old records ... 1095
Compensation of officers and employees ... 1135
Franklin County, law amended as to jurisdiction in divorce actions 852
Gates County, compensation of judge and other court officials ... 686
Granville County, appointment of associate judge ... 32
Halifax County, compensation of court officials; special terms in Roanoke Rapids ... 926
Harnett County:
Election of solicitor; compensation ... 975, 1675
Election of solicitor of Dunn recorder's court ... 855
Term of office of recorder's court judge ... 856
Hertford County, transfer of cases to superior court upon demand for jury trial ... 254
Lenoir County, law amended as to prosecuting attorney ... 1568
Lincoln County, appointment of assistant judge; powers, duties, compensation ... 254
Mecklenburg County, appointment of clerk of court; term, duties, bond, salary, etc. ... 1079
Monroe and Union County, schedule of fees ... 735
Moore County:
Jury trials; remand of cases from Superior Court ... 737
Salary of judge and solicitor ... 899
Pamlico County, salary of judge ... 1062
Pasquotank County:
Bill of costs in criminal actions ... 909
Fees of prosecuting attorney and trial justice ... 204, 909
Perquimans County, appointment of clerk of recorder's court; salary ... 1169
Pitt County, compensation of officials of Recorder's Court ... 398
Reidsville, issuance of criminal process; trial by jury, jury fees ... 235
Robeson County:
Jurisdiction of court amended ... 740
Uniform schedule of costs for recorder's courts ... 294
Rockingham County:
Leaksville Township Recorder's Court, salary of recorder and solicitor; jurisdiction extended; jury trials ... 84

Page

Recorder's Courts—(Continued)
Rockingham County—(Continued)
Reidsville Recorder's Court, jurisdiction extended; jury trials 84
Rutherford County:
Disposition of unclaimed fees of jurors and witnesses 218
Issuance and execution of criminal processes; fees for issuance 914
Scotland County, schedule of costs and fees 1029
Surry County, territorial jurisdiction of Mt. Airy Township recorder's court, extended 1088
Thomasville, jurisdiction of court amended 525
Thomasville Township Recorder's Court, criminal process issued by Thomasville police officials, returnable before 92
Union County:
Compensation of H. B. Smith for services as substitute recorder 34
Compensation of recorder and prosecuting attorney 843
Schedule of fees 735
Vance County, consolidation of municipal court of Henderson 408
Wake County:
Appropriations towards maintenance of certain recorder's courts, authorized 480
Middle Creek Township Recorder's Court, compensation of recorder 616
Recorder's Court of Cary, Meredith and House Creek Township created 1011
Washington:
Salary of recorder 1358
Term of judge of recorder's court 1287

Records—See Public Records

Recreation Programs:
General:
Recreation Enabling Law, amendments to 1529
Local:
Carteret County, board of education, lease or rental of school property for recreational purposes 305
Charlotte:
Authority to construct and operate recreational facilities; issuance of revenue bonds 1181
Law authorizing election as to tax levy for recreation purposes, repealed 596
Cherokee County, Boxing and Wrestling Commission established 245

Page

Recreation Programs—(Continued)
Local—(Continued)
Dare County, community center, law amended as to powers and duties of board of trustees; etc. 1285
Greensboro:
City Administrative Unit authorized to lease certain property for stadium 11
World War Memorial Commission, transfer of powers and duties 709
Greenville, appropriations for recreation and playground activities, authorized 451
Lumberton, Public Golf Course and Recreational Grounds, powers of trustees amended 313
Madison, recreation commission, ex-officio members 348
Polk County, Tryon Township, special election on tax levy for maintenance of recreation grounds 902
Raleigh, charter rewritten; department of parks and recreation, created 1499
Roanoke Rapids, use of parking meter proceeds for recreational purposes 5
Sanford, use of parking meter proceeds for recreational program 637
Statesville, use of parking meter funds for recreational purposes 576

Red Springs, Town of:
Charter, consolidation and amendment of 1639
Police authority extended 24
Recorder's Court, schedule of costs 294

Refunds—See Taxes and Taxation

Register of Deeds: (See also Probate and Registration; and Salaries and Fees)
General:
Assistant Register of Deeds, appointment authorized 225
Certificates of birth and death, copies forwarded by State Board of Health to county of residence 101
Death certificates of certain members of U. S. armed forces, forwarded to Register of Deeds 144
Plats and maps, prior recordings by certain method, validated 1232

Local:
Bladen County, election and term of office 946

Page

Register of Deeds—(Continued)
Local—(Continued)
Durham County, appointment of employees 1135
Forsyth County, photostating, photographing, etc., of records, authorized 567
Harnett County, term of office 856
McDowell County, clerical assistance authorized 436, 1033
Madison County, appointment of clerical assistant for register of deeds 479
Wake County, authority for photostating, photographing records; disposal of inactive records 1293

Registration—See Probate and Registration

Registration of Voters—See Elections and Election Laws

Reidsville, City of:
Appropriation for support of indigent citizens 148
Development of Town, certain Acts repealed 1321
Private sale of municipal property to governmental agencies 303
Recorder's Court:
Issuance of criminal process; trial by jury; jurors; jury fees 235
Territorial jurisdiction extended; jury trials 84
Subdivision of properties and public streets, municipal regulation of 338

Relief Funds—See Retirement Systems

Religious Institutions—See Churches

Remainders and Reversions—See Estates

Reptiles:
Regulation of ownership, handling and use of poisonous reptiles; punishment for violations 1250

Resolutions—See Index to Resolutions at end of this volume

Restaurants:
Law relating to sale of oleomargarine amended 1108

Retired Judges:
Compensation, law relating to, amended 1271

Retirement Systems:
General:
Confederate pensioners dying in state and local institutions, payment of burial expenses 1153

Page

Retirement Systems—(Continued)
General—(Continued)
Confederate soldiers, widows, and servants, law amended as to pensions 1398
County health and welfare departments, participation by employees in retirement system 1150
District health departments, participation by employees in retirement system 1149
Firemen's Relief Fund, appointment of trustees, law amended 1211
Housing Authorities, participation by employees in retirement system 198
Law Enforcement Officers' Benefit and Retirement Fund, payments into fund, law amended 1213
Law enforcement officers, election as to membership in parcular retirement system 1149
Local ABC employees, participation in retirement system 1152
Local Governmental Employees Retirement System, employers and employees eligible for participation, redefined 198
National Guard, retirement of officers 1323
Nixon, Mrs. Margaret:
Eligibility for benefits under retirement systems of Wilmington and New Hanover County 886
Pension by Wilmington and New Hanover County authorized 1207
Regional library employees, participation in retirement system 1052
Superior Court Judges in retirement, law as to additional compensation, amended 1271
Teachers' and State Employees' Retirement System:
Benefits, payment of, law amended 1216
Cooperative Agricultural Extension Service, membership of employees 1216
Creditable Service:
Service credit to members of armed forces 1215
Statement of prior service, law amended 1215
Membership, admission to, law amended 1214
Proposed constitutional amendment to safeguard funds 932
Reemployment of retired teachers and employees, law repealed 1216
Restoration to service of certain former members 1215
Local:
Beaufort County, Peace Officers' Relief Act 698

Page

Retirement Systems—(Continued)
Local—(Continued)
Charlotte:
Firemen's Retirement System, Act amended as to benefits and payments upon death 838
Provisions for withdrawal of law enforcement officers from retirement system 1129
Durham County, Durham Peace Officers' Relief Fund Act, amended 317
Edgecombe and Nash Counties, Twin County Peace Officers' Relief Act 1513
Fayetteville, employees pension fund, law amended as to retirement benefits 964
Gastonia, Supplementary Pension Fund for Fire Department established 537
Greenville, appropriations to supplement retirement benefits of certain municipal employees 563
Halifax County, Law Enforcement Officers' Relief Association, establishment of 1193
High Point, Firemen's Pension and Disability Fund, law amended as to contributions by city 560
Mecklenburg County, purchase of life insurance from Firemen's Relief Fund 834
Nash and Edgecombe Counties, Twin County Peace Officers' Relief Act 1513
New Bern, election on participation by city in State retirement system 670
New Hanover County:
Harriss, W. N., payment of monthly pension authorized 1051
Nixon, Mrs. Margaret:
Eligibility under retirement system 886
Pension authorized 1207
Pensions for public school system employees 886
Wilmington:
Firemen's Pension Fund, Act amended 708
Nixon, Mrs. Margaret:
Eligibility under retirement system 886
Pension authorized 1207
Pension funds, payments for certain employees authorized 710
Police Pension Fund, law amended 1647
Smith, Riley D., payment of pension to, authorized 885
Winston-Salem, Firemen's Retirement Fund Association, Act amended 840

Page

Revenue Act:

Amendments and Supplement to The Revenue Act, 1939 377-390, 582, 707, 889, 1084, 1421, 1429, 1433, 1526, 1554, 1665

Codification and printing of Act and amendments 390

Franchise Tax:

Counties prohibited from imposing franchise tax on public service companies 380

Municipalities, limitation of power to tax public service companies 381

Public service companies, portion of tax allocated to municipalities 380

Telephone companies, G. S. 105-120 amended 381

Gasoline Tax:

Increase of; contingent upon election 1634, 1649

General Administration:

Additional taxes, assessment procedure 387

Coin operated machines, distributors required to make quarterly reports 388

Priority of lien of state taxes, G. S. 105-241 amended 386

Refund of overpayments, G. S. 105-266 amended 390

Statute of limitation on certificate or judgment for taxes 388

Veterans, cancellation of certain assessments against 388

Income Tax:

Blind persons, additional exemptions 1429

Changes in Federal return, notice to commissioner of Revenue, effect of failure 384

Contributions to State and its agencies, deductible from gross income 383

Cooperatives, mutual associations, G. S. 105-138 amended as to exemptions 382

Deductions from gross income, contributions to State or its agencies 383

Deductions, payments for support of divorced or estranged spouse; limitations 383

Dependents, increase in amount of exemption for 384

Gross income, patron's benefits from cooperative associations included 383

Involuntary conversions of property, G. S. 105-144.1, enacted 1421

Limitation of time for making assessments on refunds by Revenue Commissioner 384

Inheritance Tax:

Remission of certain uncollected taxes, Act amended 617

Page

Revenue Act—(Continued)
Intangibles Tax:
Foreign insurance companies, G. S. 105-199 amended as to exemption of deposits 386
License Tax:
Chain stores, G. S. 105-98 amended 379
Drink stands selling only dairy products and certain juices, exemption from tax 1554
Insurance claims adjusting, tax schedule 1084-85
Junk dealers, G. S. 105-102, amended 582
Laundries, G. S. 105-85 amended to include launderettes, etc. 379
Machines dispensing dairy products and certain juices, exemption from tax 1554
Motor vehicle dealers, G. S. 105-89, amended as to farm-type wagons 379
Neighborhood theatres and theatres for negroes, tax schedule 379, 1526
Outdoor theatres, schedule of taxes 377
Real estate agents, G. S. 105-41 amended 707
Soft drink bottlers, tax on counter-pressure or pre-mix fillers 889
Sales Tax:
Building materials, G. S. 105-187 amended as to tax; excepted materials 385, 1433
Exemptions, G. S. 105-169 amended 1665
Fuels sold to farmers for certain purposes, exemption 385, 1433
Gasoline or other motor fuel, G. S. 105-169 amended as to exemption of certain sales 385, 1433
Statutes of Limitation:
Income tax, assessments and refunds by Commissioner of Revenue 384
Inheritance taxes, remitted after 20 years, law amended 617
Judgment on certificate for taxes in favor of State, period for enforcement 388

Revenue Bond Act of 1938:
Act amended 1244

Richlands, Town of:
ABC stores, allocation of percentage of net profits to town 1386
Induction of municipal officials; fiscal year; salary of mayor and aldermen 473

Richmond County:
Board of Commissioners, law amended as to election of members 883

Page

Richmond County—(Continued)
Clerk of superior court, law amended as to fees for auditing certain accounts 1087
Justices of the Peace, schedule of fees 460
Memorial Hospital, delegation of certain authority to trustees 903
School districts, creation of 143
Small sums due intestates, payment to clerk of superior court for administration 64
Taxicabs, regulation of operation of 104

Rights-of-Way:
General:
Authority of churches to obtain easements for utility lines, law amended 357
Condemnation by State Highway Commission, time limitation on actions for damages 1309
Local:
Charlotte, authority to grant easements to railroad companies 1092

Rivers and Streams: (See also Ports)
General:
Fishing and hunting on posted land without written consent of owner prohibited 1002
Lumber River, proper designation of stream forming boundary between Hoke and Scotland counties 566
Neuse River, use of waters in operation of steam electric generating plants 612
Pamlico River, setting of pound nets, between certain points, prohibited; punishment 1175
Tar River Port Commission, law amended as to issuance of bonds or notes; tax exemption 1560
Local:
Macon County, law relating to fishing in certain streams, repealed 1561
Martin County, election authorized on question of application of law relating to drainage of streams 585

Roads and Highways:
General:
Blind persons, right of way at crossings and intersections 303
Bus Act of 1949 1325, 1677
Camp Butner Hospital, application of motor vehicle law to streets and grounds 58

Page

Roads and Highways—(Continued)
General—(Continued)
Cattle, highway signs for protection at crossings 923
Closing of streets or roads outside municipalities by county commissioners 1536
Condemnation of rights-of-way by Highway Commission, time limitation on actions for damages 1309
Equipment required on semi-trailers 1533
Highway Safety Act repealed 137
Motor Vehicle Act, amended 94, 323, 328, 329, 410, 435, 587-589, 924, 1073, 1152, 1324, 1533-1536, 1646
Motor Vehicle Safety and Responsibility Act, amended 1107, 1175, 1399, 1400, 1538
Municipalities, relief from liability for civil damages with respect to State-maintained streets 971
Neighborhood public roads, proceedings to establish, alter or discontinue, law amended 1545
Neuse River, construction of bridges in connection with steam electric generating plants 612
Right-of-way at intersections, Motor Vehicle Act, amended as to 1152
Secondary Road Bond Act of 1949 1629, 1649
Special operator's license and registration plates for afflicted or disabled persons 108
Speed limits of motor vehicles on streets not part of state highway system, local regulation 1073
Surplus materials from grading made available to adjoining land owners 1234
Toll roads, organization of municipal corporations for constructing and operating; procedure 1162
Uniform Drivers License Act, amended 346, 588, 589, 940, 1175, 1315
Weight of vehicles and load, law rewritten 1534

Local:
Charlotte, power to regulate opening of new streets in and near city 561
Edenton, election on continued use of parking meters 681
Erwin, State highway and motor vehicle laws made applicable 30
Harnett County, quitclaim of certain street property authorized 539
Laurinburg:
Law amended relating to traffic bureau, procedure and penalties for violations 591

Page

Roads and Highways—(Continued)
Local—(Continued)
Laurinburg—(Continued)
Special assessments for street improvements, validated 375
Madison County, highway commission, Act repealed 1324
Martin County, disorderly conduct, etc., on public roads made misdemeanor 302
Murphy, conveyance of abandoned portion of street authorized 742
Pinehurst, regulation of traffic by special officer 1132
Pitt County, transfer of surplus road bond funds to certain school districts authorized 324
Sharpsburg, Traffic Bureau, establishment authorized 910
Wagram, Traffic Bureau, establishment authorized 1556
Washington (city), spur railroad and other crossings over public streets, authorized 556
Watauga County, law prohibiting profane language on public highways, application to county 959
Whitakers, Traffic Bureau, establishment authorized 910

Roanoke Rapids, City of:
City Manager form of government, election on adoption of 2
Elections, special period for registration of voters 570
Parking meters, use of proceeds for recreational facilities authorized 5
Recorder's Court, special terms; compensation of court officials 926

Robbinsville, Town of:
Certain officials and employees not required to be qualified voters of town 47

Robeson County:
Deer hunting, regulated 851
Justices of the peace, schedule of fees 632, 1038
Recorders' Courts:
Jurisdiction amended 740
Uniform schedule of costs 294
Schedule of fees of clerk of superior court and register of deeds 1517
Taxes, certain sales of tax certificates and adjustments of taxes, validated 536

Rockingham County:
Bay rum, sale for beverage purposes prohibited 102
Board of commissioners, authority to pay claim of Rufus Carter for automobile damages 877

Page

Rockingham County—(Continued)
Leaksville Township Public School District, territory redefined; election regulations 56
Leaksville Township Recorder's Court, salary of recorder and solicitor; court's jurisdiction; jury trials 84
Library building property, conveyance by Leaksville authorized, for use by County Library Association 575
Reidsville, private sale of municipal property to governmental agencies 303
Reidsville Recorder's Court:
Territorial jurisdiction extended; jury trials 84
Trial by jury; jury fees 235
Salary of sheriff 72

Rockingham, Town of:
City School Administrative Unit, nomination and election of board members 746
Corporate limits, redefined 168

Rocky Mount, City of:
Adjustment of certain delinquent paving assessments authorized 104
City Administrative School Unit:
Participation in Nash and Edgecombe Counties' capital outlay school funds 679
Special election on issuance of school building bonds; tax levy 675

Roper, Town of:
Corporate limits redefined; certain tax liens retained 621

Rosman, Town of:
Elementary school, contract for construction authorized 318

Rowan County:
Board of Education, J. York Peeler appointed as member 1524
County Court, salaries of trial justice and prosecuting attorney 1390
Drainage Districts:
Appointment of commissioners and prior acts ratified 1519
Commissioners authorized to cooperate with Federal Government; procedure for assessments 1671
East Spencer ABC stores:
Law authorizing referendum, inoperative upon call of county election 1263
Participation in profits by county, if stores established 1263
Iredell-Rowan County Drainage District No. 1, appointment of commissioners validated 1519

Page

Rowan County—(Continued)
Rowan-Iredell County Drainage District No. 2, establishment of 1668
Salisbury ABC stores:
Law authorizing referendum, inoperative upon call of county election 1260
Participation in profits, by county, if stores established 1260
Salisbury authorized to sell land to county as public school site 66
Sanitary inspectors of Concord watershed, oath filed with clerk of superior court 1001
Sheriff, deputies and constables, schedule of fees and expenses 1034
Spencer ABC stores:
Law authorizing referendum, inoperative upon call of county election 1266
Participation in profits by county if stores established 1266
Superior court clerk entitled to certain fees 523
Tax foreclosures, limitation of actions 839
Tax supervisor, appointment, duties, compensation; performance of duties by auditor 465

Rowland, Town of:
Recorder's Court, schedule of costs 294

Rutherford County:
Disposition of unclaimed fees of jurors and witnesses 218
Recorder's Court, issuance and execution of criminal processes; fees 914
Salaries of sheriff, clerk of superior court and register of deeds 174

S

Saint Pauls Town of:
Recorder's Court, schedule of costs 294

Salaries and Fees:
General:
Academic fees, state educational institutions, inclusion in student loans 592
Antifreeze, fee for permit to sell 1402
Appropriation Act of 1949 1616-1628
Act amended 1689, 1693
Appropriation for increased salaries for Supreme Court Justices, Superior Court Judges and Superior Court Solicitors 1401

Page

Salaries and Fees—(Continued)
General—(Continued)
Assistant Attorney General, assigned to Utilities Commission, payment of salary from Utilities Commission appropriation ... 1173
Attorney General:
Bonus to certain employees in office of ... 1539
Salary increased ... 1674
Attorney's fee, allowance in execution sales ... 784
Attorney's fees, for services as to tort claims against State, approval by Industrial Commission ... 1374
Auditor, salary increased ... 1674
Bedding stamps, law as to price of, amended ... 645
Bus Act of 1949; fees and charges of N. C. Utilities Commission ... 1354, 1677
Clerk of Superior Court, fees in connection with sales under power of sale ... 803
Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped, compensation of members ... 1539
Commissioner of Agriculture, salary increased ... 1674
Commissioner of Insurance, salary increased ... 1674
Commissioner of Labor, salary increased ... 1674
County agricultural societies, fee for filing articles of incorporation ... 945
County boards of education, per diem and mileage allowances from certain funds ... 1429
Court reporters, compensation fixed by board of commissioners ... 235
Drainage district commissioners, compensation ... 1081
Embalmers, license fees; renewal registration fees ... 1075
Farm census surveys, compensation to counties for reports ... 1667
General Assembly:
Compensation of elective clerks and other employees ... 938
Proposed constitutional amendment to increase salaries of presiding officers and members ... 1661
Instructional salaries, Appropriations Act of 1947 amended as to ... 1653
Judges of the superior court, compensation and expense allowance ... 132, 1401
Judicial Council, compensation of members and executive secretary ... 1209
Judicial sales, compensation of persons holding sale ... 762

Page

Salaries and Fees—(Continued)
General—(Continued)
Jurors, superior courts, law relating to fees amended 1039
Justices of the Peace, compensation on annual salary basis; fee system abolished; many counties exempt 1269
Justices of the Supreme Court, compensation 133, 1401
Lime and landplaster, law as to method of payment of tonnage fees, amended 942
Local Registrars of Vital Statistics, law relating to compensation, amended 282
Motor vehicles, permanent registration fee for certain vehicles 587
Motor vehicles given to disabled veterans, fees for registration and licensing 94
National Guard, schedule of pay rates and allowances 1323
North Carolina Communications Study Commission, compensation of members 1236
Partition proceedings, compensation of commissioners 1106
Retired judges, law as to compensation, amended 1271
School employees paid from state and local funds, salary increases 952
School teachers, payment of salaries 1310
Secretary of State:
Organization and recording fees for municipal corporations organized to build toll roads 1162
Salary increased 1674
Sewage disposal system, charges and fees for services by municipalities authorized 1542
Solicitors of superior court, compensation and expenses 154, 1401
Special Judges, compensation 702
Special operator's license and registration plates for afflicted or disabled persons 108
State Banking Commission, compensation of members 345
State employees, jurisdiction of State personnel director and personnel council as to salaries 751, 1430
State militia, schedule of pay rates and allowances 1323
State Personnel Council, compensation of members 748, 1430
State personnel director, determination of salary 748, 1430
Superintendent of Public Instruction, salary increased 1674
Superior Court judges, retired, law as to compensation, amended 1271
Supervisor of Music Education, compensation 1111

Page

Salaries and Fees—(Continued)
General—(Continued)
Teachers and State employees, supplemental appropriations for salary increases, 1948-49 ..... 187, 314, 952
Teachers, Biennial Appropriations Act of 1949 amended as to teachers' salaries 1689
Treasurer, salary increased 1674
Trustee's fee in sales under power of sale 793
Utilities Commission, compensation of additional members 1147
Vaccination of dogs against rabies, fees 663

Local:
Alexander County, travel expense allowances for deputies sheriff 292
Alleghany County:
Compensation of certain clerical assistants 916
Schedule of fees of Register of Deeds 295
Anson County, compensation of certain officials 524
Apex, recorder's court, salary of judge 293
Ashe County, jailer; compensation of 637
Asheville, salaries of judge, solicitor, and other officials of police court 1169
Aulander, payment of supplemental salaries to deputies sheriff, authorized 482
Aurora Recorder's Court, salary of judge 1358
Avery County, jurors, fees and travel allowance 449
Beaufort, compensation of mayor 846
Beaufort County:
Recorder's Court at Belhaven, compensation of prosecuting attorney 638
Recorders' Courts, bill of costs in criminal actions 232
Register of Deeds, fees for recording certain instruments 337
Regulation of salaries of clerks of Recorders' Courts at Belhaven, Washington and Aurora 315
Salaries of judges of recorder's courts of Washington, Belhaven, and Aurora 1358
Belhaven Recorder's Court, salary of judge 1358
Benson, compensation of certain officials 1144
Bertie County:
Compensation of members of board of directors of county farm 700

Page

Salaries and Fees—(Continued)
Local—(Continued)
Bertie County—(Continued)
Compensation of members of District and County boards of health ... 700
Deputies sheriff, supplemental salaries, payment by Colerain and Aulander, authorized ... 482
Jurors, fees of ... 913, 1039
Bladen County:
Fees of local registrars of vital statistics ... 476
Fees of professional bondsmen ... 614
Juvenile Court, compensation of judge ... 1142
Brunswick County, compensation of clerical assistant for County Auditor's office ... 464
Buncombe County:
Asheville Township, compensation of constable ... 644
Charges or fees for transcripts by official court reporter, regulated ... 1202
Compensation of Commissioner of Public Utilities (formerly Commissioner of Highways) ... 475
Compensation of deputies sheriff ... 891
Coroner, schedule of fees ... 1036
Sheriff, schedule of fees ... 889
Cabarrus County, County Treasurer, compensation of ... 1436
Caldwell County, Vice-Recorder, compensation of ... 1523
Camden County:
Clerk of Superior Court and deputies sheriff, compensation 209
Register of Deeds, fee for recording chattel mortgage ... 295
Carteret County, salaries of clerk of superior court, sheriff, and register of deeds ... 1072
Caswell County:
Board of education, compensation of members ... 552, 1227
County Accountant, compensation ... 529
Fees of clerk of superior court in abandonment and non-support cases ... 970
Jail fees in criminal cases ... 739
Local Registrars of Vital Statistics, fees of ... 240
Register of Deeds, schedule of fees ... 39
Sheriff, compensation ... 1224
Catawba County:
Justices of the peace, fees of ... 319
Schedule of fees of sheriff, deputies, and constables ... 153

Page

Salaries and Fees—(Continued)
Local—(Continued)
Chatham County:
Compensation of members of board of commissioners 400
Justices of the peace, schedule of fees 1032
Witness fees, certain unclaimed fees paid into general fund 1032
Cherokee County:
Clerk of superior court, salary 62
Fees of jurors, including members of grand jury 152
Law library, certain costs to be taxed for maintenance of 1027
Chowan County:
County commissioners, compensation 207
Salary increases authorized for sheriff, treasurer, and officials of recorder's court 687
Clay County, compensation of clerk of superior court and county accountant 196
Clayton, compensation of mayor, commissioners, and law enforcement officers; fees payable into general fund 982
Cleveland County, board of commissioners, compensation of chairman and members 1036
Colerain, payment of supplemental salaries to deputies sheriff, authorized 482
Columbus County:
Fees of clerk of superior court and of recorder's court clerk 466
Jailer's fees 410
Probate and registration fees of clerk of superior court and register of deeds 1397
Salary of identification expert 468
Concord, compensation of certain officials 349
Conover, fee for filing notice of candidacy 149
Craven County, recorder's court, compensation of assistant clerk 715
Creedmoor, jail fees 394
Cumberland County:
Register of deeds, minimum fee 631
Schedule of fees of clerk of superior court 956
Currituck County:
Board of education, compensation of members 130
Compensation of certain deputies sheriff 444
Racing Commission, compensation of members 544

Page

Salaries and Fees—(Continued)
Local—(Continued)
Currituck County—(Continued)
Recorder's court, compensation of judge and prosecuting attorney 239
Dallas, compensation of mayor and aldermen; filing fees of candidates 884
Dare County, compensation of certain officials and employees 439
Davidson County:
Compensation of sheriff and deputies sheriff 1313
Compensation of sheriff, clerk of superior court and register of deeds 901
County court, compensation of judge and solicitor 714
Jurors, fees and mileage allowance 527
Justices of the peace, schedule of fees 660
Davie County:
Deputy sheriff of Jerusalem Township, compensation 249
Salaries of county officials 955
Dunn, salaries of judge and solicitor of recorder's court 1097
Duplin County, jurors, compensation 702
Durham County:
Compensation of certain officials and employees 1134
Election officials, compensation 1031
Justices of the peace, schedule of fees, civil and criminal cases 291
Salary of treasurer 966
East Spencer, board of aldermen, compensation of members 515
Edgecombe County:
Coroner, fees of 525
Justices of the peace, additional fees 685
Register of deeds, schedule of fees 1204
Sheriff and deputies, salaries 193, 804
Elizabeth City, compensation of mayor and members of public utility commission 502
Enfield, cotton weigher, compensation of 1435
Fayetteville, mayor's court, compensation of assistant judge 433
Forsyth County:
Airport Commission, compensation of members 623
Court Reporter, cost of transcripts 627
Salary of clerk of superior court 470
Schedule of fees of register of deeds 162
Sheriff, compensation 409

Page

Salaries and Fees—(Continued)
Local—(Continued)
Franklin County:
Advance court costs, law amended as to the fees of clerk of superior court 374
Compensation of certain officials and employees 205
Jurors' fees and recorder's fees in divorce actions 852
Justices of the peace, sheriff and constables, schedule of fees 223
Officers' fees for capture of distillers 418
Schedule of fees of clerk of superior court 299
Schedule of fees of register of deeds 296
Sheriff and constables, process fees 224
Gates County:
Election as to special tax levy for salaries of accountant, farm demonstration agents, etc. 946
Recorder's court, compensation of judge, prosecuting attorney, clerk and sheriff 686
Graham County, compensation of county commissioners and certain other officials 202
Granville County:
Fees of jurors 684
Fees of sheriff and witnesses 912
Recorder's Court, compensation of vice recorder 32
Schedule of fees of justices of peace, civil and criminal cases 395
Greene County:
Board of Commissioners, compensation of members 450
Board of Education, compensation of members 450
Deputies sheriff, compensation 218
Emergency bonus for county officials and employees 248
Greensboro, Municipal-County Court, compensation of officials 717
Guilford County:
Act amended as to fees of register of deeds 615
Beer and wine, law amended as to license fees 1378
Clerk of superior court, schedule of fees and commissions 719
Compensation of court reporters 478
Compensation of superior court clerk, sheriff and register of deeds 201
Disposition of fees collected by certain county officials 201
Law relating to fees of justices of the peace amended 469

Page

Salaries and Fees—(Continued)
Local—(Continued)
Halifax County:
Compensation of registrars for special registration duties, Roanoke Rapids Township 571
Fee taxed as part of costs in criminal cases for law enforcement officers relief 1193
Recorder's court, compensation of court officials 926
Salaries of certain county officials, increase authorized 1521
Hamlet, fees of jailer 78
Harnett County:
Board of commissioners, compensation of members 909
Compensation of solicitor of recorder's court 975, 1675
Minimum fees of register of deeds 957
Schedule of fees of clerk of superior court 956
Hayesville, salaries of mayor and members of board of town commissioners 25
Haywood County:
Assistant Clerk of superior court, salary 60
Tax Supervisor and tax collector, salary 60
Henderson County:
Compensation of certain officials and employees 440
Salary of Veterans Service Officer 498, 916
Hertford County, Board of Commissioners, authority to fix salaries of certain county officials 897
High Point:
Municipal Court, compensation of court officials 736
Salary reductions of employees, law amended 504
Hoke County:
Minimum fees of register of deeds 957
Schedule of fees of clerk of superior court 956
Huntersville, compensation for special services in utilities and tax departments 636
Iredell County, register of deeds, compensation 313
Jackson County:
Chattel mortgages, fees for probate and registration 1433
Compensation of jailer; jail fees prescribed 1073
Justices of the peace, schedule of fees 219
Law library fee taxed as part of court costs 1561
Jones County, compensation of jurors 1141
Kure Beach, compensation of mayor and commissioners 592

Page

Salaries and Fees—(Continued)
Local—(Continued)
Lee County:
Compensation of tax collector 205
Schedule of fees of clerk of superior court 995
Lenoir County:
Board of education, compensation of members 851
Clerk of superior court, schedule of fees and commissions 163
Compensation of Superintendent of Public Welfare Emeritus 974
Judge of Juvenile Court, compensation 146
Lincoln County, compensation of assistant judge of recorder's court 254
McDowell County:
Compensation of certain officials and employees 436, 1033
Deputies sheriff, compensation 848
Jailer's fees 305
Schedule of fees of register of deeds and clerk of superior court 837
Macon County, board of county commissioners, compensation of members; mileage allowances 61
Madison County:
Compensation of auditor and tax supervisor 860
Compensation of members of board of commissioners 479
Salary of clerical assistant for register of deeds 479
Salary of deputy clerk of superior court 479
Salary of deputy sheriff 479
Martin County, compensation of board of commissioners 57
Mecklenburg County:
Board of education, compensation of members 357
Clerk of recorder's court, salary 1079
Compensation of certain county officials 1037
Salary of counselor of domestic relations and juvenile court 1074
Middlesex, mayor's court, costs of court, law amended 1526
Mitchell County, salary of county accountant-tax supervisor; compensation for clerical assistants 197
Montgomery County:
Acts relating to compensation of certain officials amended 310
Coroner, fees of 311
Deputies sheriff, allowance for travel expenses 311
Fees for seizure of liquor stills 55

Page

Salaries and Fees—(Continued)
Local—(Continued)
Montgomery County—(Continued)
Tax supervisor, compensation 535
Moore County:
Justices of the peace, schedule of fees 1139
Salaries of judge and solicitor of recorder's court 899
Mooresville, filing fee for candidates for mayor and commissioners 453
Morehead City, fees for filing notice of candidacy for municipal offices 915
Morehead City Port Commission, wharfage fees authorized to secure payment of refunding bonds 97
Nash County:
Fees and commissions of sheriff and other officers 1203
Justices of the peace, schedule of fees 617
Travel allowances for members of board of county commissioners 94
New Bern:
Election on question of increased compensation for aldermen 669
Salary of mayor, election on question of reduction 671
New Hanover County:
Assistant County Solicitor, compensation 392
Board of elections, chairman's compensation for supervision of balloting for town officials of Kure Beach 592
North Wilkesboro:
Salaries of judge and solicitor of town court 1293
Salary of mayor 1293
Special court, salaries of officials 1382
Northampton County, payment of certain unclaimed fees to school fund 742
Pamlico County, salaries of clerk of superior court, register of deeds, deputy sheriff, and recorder 1062
Pasquotank County:
Compensation of deputy sheriff 145
Compensation of members of Agricultural and Breeder's Association Commission; fees for racing franchise 1064
Expense allowance for sheriff, authorized 682
Recorder's Court, fees of prosecuting attorney and trial justice 204, 909
Salaries of certain court officers increased 113

Page

Salaries and Fees—(Continued)
Local—(Continued)
Perquimans County:
Register of deeds, schedule of fees 685
Salary of clerk of recorder's court 1169
Person County, justices of the peace, schedule of fees in civil and criminal cases 159
Pitt County:
Board of county commissioners, compensation of chairman and members 1674
Board of education, compensation of chairman and members 399
Compensation of deputies sheriff 399
Court Reporter, compensation of 1513
Recorder's Court, compensation of officials 398
Polk County:
Deputy sheriff and jailer, compensation 312
Justices of the peace, schedule of fees 834
Sheriff, travel allowance 846
Raleigh:
Charter rewritten, including provisions relating to salaries and fees 1442
City Court, salaries of judge and other officials; jury fees; bill of costs 1272
Ramseur, fees for filing notice of candidacy 210
Randolph County:
County Commissioners, compensation 206
Fees and mileage of witnesses, law amended 526
Fees of jurors 966
Witness fees, disposition of unclaimed fees 526
Red Springs, compensation of mayor and commissioners 1641
Richlands, salary of mayor and aldermen 473
Richmond County:
Fees of clerk of superior court for auditing certain accounts 1087
Justices of the peace, schedule of fees 460
Robeson County:
Justices of the peace, schedule of fees 632, 1038
Schedule of fees of clerk of superior court and register of deeds 1517
Uniform schedule of fees and costs in recorder's courts 294

Page

Salaries and Fees—(Continued)
Local—(Continued)
Rockingham County:
Leaksville Township Recorder's Court, salary of recorder and solicitor; fees of jurors 84
Salary of sheriff 72
Rowan County:
Compensation of tax supervisor; additional pay for auditor when acting as tax supervisor 465
Salaries of trial justice and prosecuting attorney of county court 1390
Sheriff, deputies sheriff and constables, schedules of fees and expenses 1034
Superior Court Clerk entitled to certain fees 523
Rutherford County:
Disposition of unclaimed fees of jurors and witnesses 218
Recorder's Court, fees for issuance of process 914
Salaries of sheriff, register of deeds, and clerk of superior court 174
Salisbury, fees of building inspector and electrical inspector 1201
Scotland County:
Costs and fees in county criminal court 983
Jailer's fees 64
Recorder's Court, schedule of costs and fees 1029
Register of deeds, fees for certain services prescribed 683
Sheriff and deputies, expenses of travel outside county 306
Turnkey fees for admission and release of county jail prisoners 683
Scotland Neck, court costs in criminal cases, certain fees taxed 642
Smithfield, election on question of abolition of fee system; salary of mayor 661
Stanly County:
Board of commissioners, compensation 143
Fees for feeding jail prisoners 139
Salaries of sheriff and judge and solicitor of county court 140
Schedule of fees and commissions of clerk of superior court 400
Statesville, mayor's court, compensation of assistant judge 710
Stokes County:
Justices of the peace, fees in civil and criminal cases 590
Salaries of clerk of superior court, sheriff, register of deeds, and other officials 667, 1524

Page

Salaries and Fees—(Continued)
Local—(Continued)
Stokes County—(Continued)
Salary of tax supervisor; compensation of bank acting as county fiscal agent 664
Surf City, compensation of officials 513
Surry County:
Compensation of officials of Mt. Airy township recorder's court 1088
General County Court, solicitor's fee in criminal cases 1009
Register of deeds, compensation of deputy or clerical assistants 38
Sheriff and deputies, compensation 217
Superior Court, compensation of deputy clerk 628
Swain County:
Compensation of members of board of commissioners 256
Fees of jurors; mileage allowances 200
Thomasville:
Councilmen, compensation 217
Fees for filing notice of candidacy 215
Transylvania County, jail fees authorized 621
Union County:
Compensation of additional deputy sheriff and additional assistant to clerk of superior court 559
Compensation of H. B. Smith for services as sub-recorder 34
Compensation of register of deeds, deputies, etc. 960
Constables, schedule of fees amended 308
Justices of the peace, schedule of fees amended 307
Monroe Recorder's Court, schedule of fees 735
Recorder's Court:
Compensation of recorder and prosecuting attorney 843
Increase in salaries of clerk and assistant clerk 955
Valdese, filing fee of candidates for town offices 185
Vance County:
Compensation of certain officials and employees, increase authorized 407
Recorder's Court, compensation of officials 408
Wake County:
Clerk of superior court, compensation 419
Compensation of members of board of commissioners 1569
Compensation of sheriff, register of deeds, treasurer, auditor and coroner 615

Page

Salaries and Fees—(Continued)
Local—(Continued)
Wake County—(Continued)
Fees and commissions, payment into general fund 406
Middle Creek Township Recorder's Court, compensation of recorder 616
Recorder's Court of Cary, etc., schedule of fees; compensation of officials 1011
Salaries of certain officials to be paid from general fund 406
Wallace, mayor and board of commissioners, compensation 603
Warrenton, compensation of mayor and commissioners 73
Washington County:
ABC law enforcement officer, compensation of 629
Compensation of constable of Lees Mills Township 643
Washington Recorder's Court, Beaufort County, salary of judge 1358
Wayne County, counsel appointed in criminal cases, compensation 531
Waynesville, compensation of mayor and aldermen 289
Whitakers, mayor's court, patrol car fee taxed as part of costs in criminal cases 406
Wilkes County, sheriff and deputy sheriffs, fees of 632
Wilmington, Police Pension Fund, fee taxed in criminal cases 1647
Wilson County:
Clerk of superior court, law relating to fees amended 1675
Fees of register of deeds for recording chattel mortgages, etc. 1171
Winston-Salem, compensation of mayor and aldermen 281
Yancey County:
Compensation of county accountant for services as tax collector 63
Jurors, compensation 630
Yadkin County:
Salaries of certain officials 138
Sheriff and deputies, compensation 448
Zebulon, filing fee for notice of candidacy 549

Sales: (See also Deeds and Conveyances)
General:
Coal, coke, and charcoal, regulation of sales 969
Conditional sales agreements, deficiency judgments 967
Execution sales, regulations and procedure 757

Page

Sales—(Continued)
General—(Continued)
Guardians, sale of ward's estate in county other than guardian's residence 821
Judicial sales, regulations and procedure 757
N. C. Hospitals Board of Control, sale of surplus real estate, Camp Butner property 58
Sales under power of sale, regulations and procedure 788

Local:
Aberdeen, certain land sales validated 731
Bertie County:
Certain tax sales validated 836
Riverside school property, sale to Riverside Baptist Church, validated 554
Bessemer City, sale of certain land to Gaston County authorized 234
Caswell County, sale of Pelham School lot to church authorized 81
Durham, County and City, regulation of sales of personal property levied upon for delinquent taxes 984
East Flat Rock, acts of commissioners in disposing of real estate validated 452
Edenton, private sale of certain land to Chowan Hospital, Inc., authorized 852
Franklin County:
Franklinton Township school district, certain real estate sales validated 171
Validation of certain conveyances, law amended 374
Greensboro, City Administrative Unit, sale or exchange of certain property authorized 8
Laurinburg, private sale of certain land authorized 928
Lincoln County, sale of certain land without advertisement, validated 90
Lincolnton, sale of certain property authorized 131
New Bern, private or public sale of certain land authorized 1520
Newton, authority to sell certain water tanks at private sale 881
Northampton County, board of education, sale of property to Pine Grove, Inc., authorized 23
Pelham, sale of school property to church authorized 81
Plymouth, public sale of certain property authorized 26
Reidsville, private sale of property to governmental agencies authorized 303
Robeson County, certain sales of land for taxes validated 536

Page

Sales—(Continued)
Local—(Continued)
Salisbury, sale of land to Rowan County as public school site, authorized 66
Spencer, private sale of certain land authorized 18
Star, certain conveyances of real estate validated 46
Statesville, authority to sell certain power lines and rights of way 576
Stokes County, public or private sale of certain lands authorized; prior conveyances validated 746
Tarboro, authority to sell or lease part of town common to school trustees 878
Wake County, board of education, certain sales of land validated 309
Walnut Cove, certain conveyances validated 745
Weldon, private sale of certain property authorized 320
Wendell, private sale of certain property validated 7
Wilmington, private sale of real estate acquired through tax foreclosure sales 392
Wilson County, board of education, conveyance of certain land validated 580

Sales Tax (Article 5, Schedule E of Revenue Act):
Amendments 385, 1433, 1665

Salisbury, City of:
ABC stores, election on establishment of; allocation of profits 1260
Abatement of certain assessments against property of Rowan Memorial hospital authorized 27
Fees of building inspector and electrical inspector, establishment of 1201
Sale of land to Rowan County as public school site, authorized 66
Special assessments for local improvements, law made applicable to city 1055

Sampson County:
Clerk of superior court, administration of small sums due intestates 862
Dogs, county exempted from liability for damages by 320
Law authorizing Clinton ABC store election, not effective if county-wide election called 1166

Sanford, Town of:
Cemetery Commission, creation of; powers and duties 440
City Manager, election on appointment of; powers, duties, etc. 300
Corporate limits extended 599
Parking meters, distribution of proceeds 637

Page

Sanitary Districts:
General:
Law amended as to corporate powers, bond issues, elections, tax levies, etc. 988
Power to compel water, sewer connections; sanitary installations; abatement of nuisances; etc. 1356
Zoning powers 1385
Local:
Bessemer Sanitary District, election on merger with City of Greensboro 1680
Roanoke Rapids Sanitary District, special period for registration of voters 570

Scale Mechanics:
Regulatory law amended 1112

School Busses:
General:
Tort claims growing out of school bus accidents, determination by Industrial Commission 1360, 1570, 1676
Transportation of teachers 78
Local:
Currituck County, requirement as to adult drivers repealed 130

School for Blind and Deaf at Raleigh:
Expenditure of funds for out-of-State facilities 501
Payment of costs by persons admitted, law amended 1230

School Machinery Act:
Allotment of teachers for special instructional service 1310
Birth certificates of children presented for admission, authority of principal to require 1177
Deceased teachers and other school employees, administration of final salary payments in certain cases 1177
Minimum program of education, establishment of 1310
School Districts:
Creation of, in contiguous portions of two or more counties 610
Laws relating to special elections amended 1044
School funds, administration of; bonds required 1247
Substitute teachers, provisions for payment 1311
Teachers, payment of salaries 1310
Transportation of school teachers on school busses 78

Page

School Teachers—See Schools and School Districts

Schools and School Districts:

General:

Appropriations:

Biennial Appropriations Act of 1947, amended as to school instructional salaries 1653

Biennial Appropriations Act of 1949 1616-1628

Amended as to school plant facilities 1693

Amended as to teachers salaries 1689

Supplemental appropriations for salary increases, 1947-48 187, 314

Amended as to employees paid from State and local funds 952

Teachers, appropriation for advertising for 1657

Bond issue elections, result determined by majority voting 492

Compulsory attendance, law amended as to curriculum standards of private schools 1176

County Boards of Education, biennial appointment of members 1423

Deceased teachers and other school employees, administration of final salary payments in certain cases 1177

Elections on bond issues, supplemental taxes, etc., statutes amended 1176

Federal aid, provisions for acceptance and administration of 1310

Insurance of school property by State 1436

Military training, leaves of absence for school personnel 1668

Post-War Reserve Fund, transfer of funds to aid local construction of school buildings 1628

Public building contracts, application of law limited to contracts involving $15,000 or more 1359

Public school laws, various sections of Chapter 115 of General Statutes amended 1176

School busses, transportation of teachers 78

School Districts:

Creation of, in contiguous portions of two or more counties 610

Laws relating to special elections amended 1044

School funds, administration of 1245

School libraries, exclusion from law requiring reports to N. C. Library Commission 199

School Machinery Act, amendments to 78, 1045, 1177, 1247, 1248, 1310, 1311

School Plant Construction, Improvement and Repair Fund, creation subject to bond issue election 1155, 1628

Page

Schools and School Districts—(Continued)
General—(Continued)
Teachers' and State Employees' Retirement System:
Benefits, payments of, law amended 1216
Cooperative Agricultural Extension Service, membership of employees 1216
Creditable Service:
Service credit to members of armed forces 1215
Statement of prior service, law amended 1215
Membership, admission to, law amended 1214
Proposed constitutional amendment to safeguard funds 932
Reemployment of retired teachers and employees, law repealed 1216
Restoration to service of certain former members 1215
Local:
Andrews, City Administrative School Unit, appointment of trustees; powers and duties 880
Anson County, School Districts, Acts creating certain districts repealed 1525
Avery County, law as to employment of teachers related to school committeemen repealed 306
Bertie County, Riverside school property, conveyance to Riverside Baptist Church, validated 554
Bladen County, nomination and election of members of board of education 1357
Brunswick County:
Board of education, membership; nomination of candidates 1008
Southport White School District, election on supplemental tax levy 315
Carteret County, board of education, lease or rental of school property for recreational purposes 305
Caswell County:
Nomination and election of members of board of education; terms; compensation 552, 1227
Old Pelham Graded School lot, sale to Pelham Methodist Church authorized 81
Publication of quarterly reports of expenditures by board of education 358
Chapel Hill, levy and collection of school taxes transferred to Orange County 1046
Charlotte City Administrative Unit, establishment and operation of Community College System, authorized 894
Chatham County, trespassing and depredations on school property, prohibited; punishment 958

Page

Schools and School Districts—(Continued)
Local—(Continued)
Cherokee County:
Board of education, nomination and election of members 412
Delinquent tax collections levied for school purposes, disposition 351
Chowan County, school building bonds, temporary investment of proceeds 962
Cleveland County:
Investment of proceeds of school building bonds 221
Issuance of school building bonds, law amended 1544
School property, trespass prohibited 531
Columbus County, reallocation of portion of proceeds from school building bond issue 1069
Concord, administration of school funds by Graded School Board 413
Craven County:
Law relating to school districts, bonds and taxes, applicable to county 1383
Nomination of candidates for membership on board of education, by district 1070
School building bonds, issuance authorized; exemption from general debt limitation 1384
School districts, application of Act relating to creation of 315
Currituck County:
Auditing of school fund accounts, law relating to, repealed 376
Board of education authorized to convey property for Community Center 20
Board of education authorized to convey property for Home Demonstration Club 477
Board of education, membership increased 551
Certain laws governing board of education amended and repealed 130
Public school closing for cotton picking, law repealed 130
Publication of minutes of board of education, law repealed 1396
Davidson County, bond issue for school purposes authorized 411
Davie County, board of education authorized to convey certain property 532
Duplin County, board of education, construction contracts exempt from Public Contracts law 285
Forsyth County:
Board of education, vacancy appointments 744
Parking on school and church properties regulated 147

Page

Schools and School Districts—(Continued)
Local—(Continued)
Franklin County:
Franklinton Township School District, certain real estate conveyances validated ... 171
School building construction, law relating to public building contracts amended ... 194
Fremont City School Administrative Unit, election on supplemental tax levy ... 431
Gates County, election on increasing membership of board of education, and nominations by districts ... 1395
Greene County, board of education, compensation of members 450
Greensboro City Administrative Unit:
Lease of property for stadium authorized ... 11
Public School Code ... 358, 1096
Sale and exchange of property not needed for school purposes ... 8
Guilford County, Allen Jay School, sale of beer and wine within proximity, prohibited ... 1071
Halifax County, bond issues for school plant facilities ... 344
Hamlet City School Administrative Unit, election of members of school board ... 1026
Henderson County, certain special debt service funds, transfer to schools ... 257
Hoke County, conveyance of lands to board of education for physical education purposes, authorized ... 1291
Johnston County:
Archer Lodge School District, authority to use special tax funds for additional teacher ... 868
Bentonsville Township, election on use of special funds for community house ... 1316
Board of education, audit of fiscal affairs ... 1030
Clayton School District, use of surplus funds for school lunch rooms ... 728
Transfer of sinking fund securities, etc., from board of education to county treasurer ... 868
Jones County, Board of Education:
Authority to transfer surplus debt service funds to other accounts ... 553
Membership increased; biennial election ... 131
Kings Mountain, election of school trustees ... 129
Leaksville Township Public School District, territory redefined; election regulations ... 56

Page

Schools and School Districts—(Continued)
Local—(Continued)
Lenoir County, compensation of members of board of education 851
Lexington City Administrative Unit, board of education, appointment of members 48
Martin County, special elections for tax levy in certain school districts 203
Mecklenburg County, compensation of members of board of education 357
Mitchell County, board of education, publication of expenditures 142
New Hanover County, pensions for employees of public school system 886
Northampton County:
Board of education authorized to sell property to Pine Grove, Inc. 23
Payment of certain unclaimed fees to school fund 742
Pelham, sale of Old Pelham Graded School lot to Pelham Methodist Church authorized 81
Pender County, board of education, membership increased; election of members 550
Pitt County:
Compensation of chairman and members of board of education 399
Election on supplemental tax levy in certain districts 106
Transfer of surplus road bond funds to certain school districts authorized 324
Polk County, board of education, election and terms of office 730
Reidsville, private sale of municipal property to governmental agencies 303
Richmond County, school districts, creation of 143
Roanoke Rapids Graded School District, special period for registration of voters 570
Rockingham City School Administrative Unit, nomination and election of board members 746
Rocky Mount City Administrative School Unit, election on issuance of school building bonds 675
Rowan County:
Board of education, appointment of member 1524
Sale of land by Salisbury for public school site, authorized 66
Rutherford County, school fund, disposition of unclaimed fees of jurors and witnesses 218

Page

Schools and School Districts—(Continued)
Local—(Continued)
Salisbury, sale of land to Rowan County as public school site, authorized 66
Southern Pines School District, election on issuance of school building bonds 13
Swain County, delinquent school tax collections for certain years, disposition and use 169
Tarboro:
City School Administrative Unit, appointment of school board members; acts of board validated 879
Graded School District, lease or conveyance of part of town common from Town of Tarboro 878
Transylvania County, contract for construction of Rosman Elementary School Building authorized 318
Wake County:
Board of Education, certain conveyances validated 309
Payment of certain delinquent taxes into school fund 446
Recorder's Court of Cary, certain fines and penalties payable to school fund 1018
Warren County, Superintendent of Schools, faithful performance bond required 180
Washington County, board of education, membership; appointment of members 743
Wayne County:
Mount Olive Elementary School plant, transfer of funds for new construction, validated 573
School building construction, law relating to public building contracts amended 194
Transfer of certain bonds proceeds for constructing elementary school plant, validated 650
Wilson County, conveyance of land by board of education to S. H. Crocker, validated 580
Winston-Salem, boundary lines of School Administrative Unit 128

Scotland County:
Board of Equalization and Review, revaluation of property deferred 549
County commissioners authorized to pledge certain funds to guarantee deficit of Memorial Hospital 28
County Criminal Court:
Costs and fees 983
Jurisdiction of certain traffic violation cases from Laurinburg 591

Page

Scotland County—(Continued)
Delinquent tax collections, appropriation to general fund authorized ____ 29
Gibson, jurisdiction of town police officers extended beyond corporate limits ____ 1298
Jailer's fees ____ 64
Laurinburg:
Control and regulation of markets within or near to corporate limits ____ 1654
Police jurisdiction extended beyond corporate limits ____ 249
Recorder's Court, schedule of costs and fees ____ 1029
Register of Deeds, fees for certain services prescribed ____ 683
Sheriff and deputies, expenses of travel outside county ____ 306
Stream forming boundary between Hoke and Scotland Counties, proper designation as Lumber River ____ 566
Turnkey fees, county jail ____ 683
Wagram police officers, jurisdiction extended beyond corporate limits ____ 961

Scotland Neck, Town of:
Court costs in criminal cases, certain fees taxed ____ 642
Police authority extended beyond corporate limits ____ 601

Seals:
Certain corporate conveyances where seal omitted, validated ____ 442
Certain deeds executed in foreign states, omitting seal, validated 67, 259

Secondary Road Bond Act of 1949 ____ 1629, 1649

Secretary of State—See under State Officials

Seeds:
North Carolina Seed Law, Act rewritten ____ 821

Senate of United States:
Notice of candidacy, requirements in case of two vacancies from N. C. ____ 1059

Service of Process—See Civil Procedure

Session Laws: (See also Laws)
Distribution of Session Laws ____ 1434

Seventh Day Adventists:
Provisions for voting in certain areas ____ 1028

Page

Sewage Disposal Systems: (For local Acts, see under particular unit)
Issuance of bonds by municipalities for construction; fees and charges authorized ____ 1542

Sewerage and Water Systems—See under particular City or Town

Seymour Johnson Army Airfield:
Goldsboro, police powers extended to area ____ 859

Shallotte, Town of:
Corporate limits, election on extension of ____ 5
Powers of commissioners ____ 109
Taxes, levy of, authorized ____ 109

Sharpsburg, Town of:
Traffic Bureau, establishment authorized ____ 910

Shaw University:
Charter amended, as to powers, etc.; tax exemption ____ 1288
Land for athletic, educational and recreational purposes, conveyance by State to university ____ 172

Shawboro, Village of:
Board of education, Currituck County, authorized to convey property for community center ____ 20

Sheriffs—See Law Enforcement Officers or under particular County

Siler City:
Corporate limits extended ____ 332

Slander:
Gravestones, inscriptions charging commission of crime prohibited 1234
Radio stations, liability for defamatory statements ____ 226

Smith, Riley D.:
Payment of pension by City of Wilmington, authorized ____ 885

Smithfield, Town of:
Abolition of fee system, salary of mayor; election on question ordered ____ 661

Smoke Abatement:
Municipal powers restricted as to regulation of coal burning railroad locomotives ____ 600

Snakes:
Regulation of ownership, handling, and use of poisonous reptiles; punishment for violations ____ 1250

Page

Social Security Legislation: (See also Retirement Systems)
Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped, establishment 1539
Employment Security Law, amendments to 419-430, 527, 528, 972, 1096
General assistance to needy persons, establishment of State-wide system; federal grants-in-aid; etc. 1186
Municipal corporations, participation in Social Security program upon congressional extension of Act to municipal employees 79

Soil Conservation Districts Law, amended 233

Solicitors and Solicitorial Districts: (For local Acts see under County, City or Town, or under particular Court)
Calendar for trial of criminal cases 141
Compensation and expenses of superior court solicitors 154, 1401

Southern Pines, Town of:
Expenditure of proceed of sale of certain bonds 250
Southern Pines Country Club, authority of town to accept second lien deed of trust from 37
Southern Pines School District, special election on issuance of bonds 13

Southport, City of:
White School District, election on supplemental tax levy 315

Spanish American War Relief Fund:
Annual payments to quartermaster, United Spanish War Veterans of N. C. 496

Special Assessments—See Taxes and Taxation; see also under particular County, City or Town

Special Elections—See Elections and Election Laws

Special Employment Security Administration Fund:
Interest on past due contributions under Employment Security Law 425

Special Judges: (See also Judges, Superior Court)
Appointment of; salary; etc. 702
Proposed Constitutional amendment as to jurisdiction of 882, 1523

Special Proceedings—See Civil Procedure

Special Tax Levies—See Taxes and Taxation

Spencer, Town of:
ABC stores, election on establishment; allocation of profits 1266

Page

Spencer, Town of—(Continued)
Spencer Lodge No. 543, A.F.&A.M., conveyance of certain property to, authorized ... 18

Squirrels:
Purchase or sale for resale prohibited ... 1530

Stanly County:
Board of Commissioners, compensation ... 143
Clerk of superior court, schedule of fees and commissions ... 400
Fees for feeding jail prisoners ... 139
National Guard Armory, Albermarle authorized to appropriate funds towards purchase of equipment ... 253
Salaries of sheriff and judge and solicitor of county court ... 140

Star, Town of:
Conveyances of real estate by town validated ... 46

State Agencies and Administrative Boards: (See also Commissions, State; Licenses and Licensing Boards; State Departments.)
Certain rules and regulations, filed with clerk of superior court and members of General Assembly ... 350
Inoperative boards and agencies, settlement of affairs ... 844
Tort Claims against agencies, determination by Industrial Commission; list of claimants ... 1360, 1570, 1676

State Armory Commission:
Conveyances to State for armory purposes, Act amended ... 1226

State Auditor—See under State Officials

State Banking Commission:
Membership; terms of office; compensation ... 345

State Board of Agriculture—See Department of Agriculture under State Departments

State Board of Alcoholic Beverage Control: (See also Aloholic Beverages)
ABC laws, provision for better enforcement of ... 1637
Malt beverages, regulation of sale and distribution ... 1099

State Board of Assessment: (See also Machinery Act)
Coordination of facilities and personnel with Utilities Commission, for rate-making and taxation purposes ... 1174
Machinery Act of 1939 and amendments, codification and printing 334

Page

State Board of Charities and Public Welfare: (See also Public Welfare)
Adoption of minors, law rewritten 264
Child under six months old, separation from mother unlawful in certain cases 486
Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped, establishment of 1539
General assistance to needy persons, establishment of system; federal grants-in-aid, etc. 1186
Hospital Licensing Act, amended; effect on powers of board 1046

State Board of Chiropractic Examiners:
Law amended as to meetings, powers, duties, etc. 892

State Board of Conservation and Development—See Department of Conservation and Development under State Departments

State Board of Cosmetic Art Examiners:
Injunction proceedings to enforce sanitary regulations adopted under Cosmetic Art Act 500

State Board of Education: (See also Schools and School Districts)
Appropriations:
Biennial Appropriations Act of 1947, amended as to school instructional salaries 1653
Biennial Appropriations Act of 1949 1616-1628
Amended as to school plant facilities 1693
Amended as to teachers salaries 1689
Supplemental appropriations for salary increases, 1947-48 187, 314
Amended as to employees paid from State and local funds 952
Teachers, appropriation for advertising for 1657
Compulsory attendance; curriculum standards of private schools 1176
Federal aid, provisions for acceptance and administration of 1310
Insurance of school property by State; Division of Insurance established 1436
Public School Laws, various sections of Chapter 115 of General Statutes amended 1176
School busses, transportation of teachers 78
School Districts, creation of, in contiguous portions of two or more counties 610
School funds, administration of 1245
School Machinery Act, amendments to 78, 1045, 1177, 1247, 1248, 1310, 1311
Supervisor of Music Education, appointment authorized; compensation 1111

Page

State Board of Education—(Continued)
Tort claims against board, referred to Industrial Commission for determination; claimants listed 1360, 1570, 1676

State Board of Elections: (See also Elections and Election Laws)
Absentee ballots, printing and distribution 693
Automatic voting machines, board approval of use by counties and municipalities 278
Election on bonds for school plant construction, improvement, etc., duties of board 1155, 1628
Political parties, creation and regulation of 691
Registration of voters, law relating to, amended 1040
U. S. Senate, notice of candidacy, requirements when two N. C. vacancies 1059

State Board of Embalmers and Funeral Directors:
Appointment of members; regulatory powers; embalmer's license fees 1075

State Board of Examiners in Optometry:
Examination for license to practice, age requirements 325

State Board of Health: (See also Public Health)
Adoption of minors, report of change of name; issuance of new birth certificate 276
Bedding, manufacture of, price of inspection stamps 645
Birth and death certificates, form and contents 135
Birth and death certificates of non-residents, forwarded to county of residence 101
Birth and death records, access to originals restricted 134
Birth registration card, contents; availability of complete information restricted 134
Cancer clinics, minimum requirements, law amended 1231
Cancer control program, reporting of cancer cases required 495
Certificate of identification for child of foreign birth 134
Death certificates for members of armed forces killed outside U. S. 144
Injunction proceedings to enforce sanitary regulations under Cosmetic Art Act 500

State Board of Public Buildings and Grounds:
Appropriation for purchase of chairs for Senate and House 1678
Governor's Mansion, appropriation for remodeling 730
Permanent Improvement Appropriation Act, powers and duties under 1616

Page

State Board of Welfare—See State Board of Charities and Public Welfare

State Budget Bureau:

Authority over employment, salaries, etc., of state employees, transferred to State personnel director 754-755, 1430

State Commissions—See Commissions, State

State Departments:

General:

Biennial Appropriations Act 1616-1628, 1689, 1693

Permanent Improvement Appropriation Act of 1949 1575-1616

Teachers and State employees, supplemental salaries 187, 314, 952

Tort claims against departments, determination by Industrial Commission; list of claimants 1360, 1570, 1676

State Department of Agriculture: (See also Agriculture)

Agricultural Fairs, supervision of 943

Antifreeze, inspection and regulation of sale 1402

Bakery products containing souvenirs, etc., prohibited; grain cereals packed in used containers, prohibited 1114

Dog food, annual registration fee for manufacturers, law amended 1217

Drugs deemed misbranded, law amended 343

Farm census surveys, procedure for; compensation to counties 1666

Gasoline and Oil Inspection Law, administration transferred to Department 1410, 1692

Landplaster and liming material, law relating to method of payment of tonnage fees amended 942

Livestock markets, law relating to, amended 1137

Milk, standard weights and measures for sale authorized 1112

Milk and cream, regulation of products from other states 934

Museum Division, procurement of house trailers, etc., for educational exhibits 1151

North Carolina Feed Law amended 648

North Carolina Fertilizer Law amended 646

North Carolina Seed Law rewritten 821

Oleomargarine, law relating to sale and distribution of, amended 1109

Uniform weights and measures:

Coal, coke and charcoal, regulation of sale and weighing 969

Liquid commodities, manner of sale, Act amended 1099

Technical errors in Act amended 1113

Page

State Departments—(Continued)
State Department of Archives and History:
General:
Friendship gifts from French Republic, control and custody 1220
House trailers, etc., procurement from Department of Motor Vehicles, for education exhibits 1151

Local:
Forsyth County public records, consent of department necessary before destruction 567
Forsyth County Superior Court Clerk, destruction of records upon approval of department 1089
Wake County, department approval prerequisite for disposal of inactive records 1293
State Department of Conservation and Development: (See also Game and Game Laws)
General:
Atlantic States Marine Fisheries Commission, appointment of one member 1253
Charles B. Aycock Memorial, administration of birthplace property by Parks Division 1160
N. C. Game Law, amendments:
Bag limits 1530
Purchase or sale of certain animals for resale 1530
Manner of taking game 1530
Regulations for hunting deer 1531
Seizure of devices used in illegal taking of fish and game 482
N. C. State Ports Authority, Act amended 1005
Tryon's palace, law authorizing restoration by department, amended 199

Local:
Onslow County, exemption of residents from portion of license taxes for commercial fishing 1003
State Department of Insurance: (See also Insurance and Insurance Companies)
Adjusters of insurance claims, regulatory law amended 1083, 1572
Fire insurance, form of standard policy, law amended 414
Fire insurance policies, limitation upon amount and term of insurance; company's liability limited 258

Page

State Departments—(Continued)
State Department of Insurance—(Continued)
Fraternal orders, merger, consolidation or reinsurance of fraternal risks, law amended 1242
Licensed agents, companies and agents required to transact business through 1314
Motor Vehicle Safety and Responsibility Act, amendments to 1107, 1175, 1399, 1400, 1538
Rating schedules, public hearings on question of approval 1240
Unclaimed funds held by life insurance companies; definition; disposition of 704
Unfair Trade Practices 1299
State Department of Justice:
Attorney General—See under State Officials
State Department of Labor: (See also Labor Laws)
Disclosure of confidential information acquired by officials in conciliation activities, prohibited 694
State Department of Motor Vehicles: (See also Motor Vehicles)
Drivers License Act amended 346, 588, 589, 940, 1175, 1315
Fraud committed in procurement of certificate of title, made misdemeanor 328
Highway Safety Act repealed 137
House trailers and trucks, transfer to departments of Archives and History, and Agriculture 1151
Jurisdiction over violations of motor vehicle laws, Act amended 137
Motor Vehicle Act amended 94, 323, 328, 329, 410, 435, 587, 588, 589, 924, 1073, 1152, 1324, 1533-1536, 1646, 1679
Motor Vehicle Inspection Fund, disposition of balances 137
Motor Vehicle Safety and Responsibility Act, amended 1107, 1175, 1399, 1400, 1538
National Guard, license plates, numbering of 1324
Permanent registration plates for certain vehicles, authorized 587
Special operator's license and registration plates for afflicted or disabled persons 108
State Highway Patrol:
Inspection of used out-of-state cars before registration in State 695
Law Enforcement Officers' Benefit and Retirement Fund, payments into fund, law amended 1213
Tort claims against state departments and agencies, determination by Industrial Commission 1360, 1570, 1676
Used cars from out-of-State, inspection before registration 695

Page

State Departments—(Continued)

State Department of Public Instruction—See State Board of Education; Superintendent of Public Instruction

State Department of Revenue: (See also Revenue Act)

Agricultural societies, exhibits exempt from taxation 945

Cashiers' checks for transmission of revenue funds, charges for 1441

Gasoline and Oil Inspection Law, administration transferred 1410, 1692

Gasoline tax, increase of; contingent upon election 1634, 1649

Machinery Act of 1939:

Amendments 51, 83, 87, 100, 233, 554, 617, 820, 839, 847, 849, 1058, 1138, 1292, 1662

Codification of Act and amendments 334

Revenue Act:

Amendments and Supplements to the Revenue Act of 1939 377-390, 582, 707, 889, 1084, 1421, 1429, 1433, 1526, 1554, 1665

Codification and printing of Act and amendments 390

Schedule B license tax, refund to Dr. R. D. Jennings 1208

State Highway and Public Works Commission: (See also Roads and Highways)

Bus Act of 1949, certain information to be furnished Utilities Commission 1325, 1677

Camp Butner "PW" Camp, use as prison for youthful offenders 259

Cattle, highway signs for protection at crossings 923

Condemnation of rights-of-way, limitation of actions for damages 1309

Neighborhood public roads, maintenance assistance by commission 1545

Prison Advisory Council, creation of; membership; functions 327

Secondary Road Bond Act of 1949 1629, 1649

Stream between Hoke and Scotland counties, proper map designation 566

Surplus material from grading made available to adjoining land owners 1234

Toll roads, right of commission to acquire 1162

Tort claims against commission, determination by Industrial Commission; claimants listed 1360, 1570, 1676

Tubercular prisoners, provision for medical care; responsibility for safekeeping 1359

Page

State Departments—(Continued)
State Personnel Department:
Establishment; powers and duties of personnel council; regulation of personnel practices 747, 1430

State Employees:
Law Enforcement Officers' Benefit and Retirement Fund, payments into fund, law amended 1213
Leaves of absence for military training, law amended 1668
Retirement System—See Teachers' and State Employees' Retirement System
State Hospitals Board of Control, employees paid from federal funds, placed under merit system law 486
State Personnel Department, establishment; regulation of personnel practices 747, 1430
Supplemental appropriations for salary increases, 1948-49 ..... 187, 314, 952
Workmen's Compensation Act, coverage of employees performing duties outside State 396

State Forester—See under State Officials

State Highway and Public Works Commission—See under State Departments

State Highway Patrol:
Inspection of used out-of-state cars before registration in State 695
Law Enforcement Officers' Benefit and Retirement Fund, payments into fund, law amended 1213

State Hospitals for Insane—See under State Institutions

State Industrial Commission—See North Carolina Industrial Commission

State Institutions:
General:
Appropriations:
Biennial Appropriations Act 1616-1628, 1689, 1693
Permanent Improvement Appropriations Act 1575-1616
Teachers and state employees, supplemental salaries 187, 314, 952
Educational Institutions:
Free tuition for children of disabled World War Veterans 1192
Student loans, law amended 592
State publications, distribution by Secretary of State 1434
Tort claims against various institutions, referred to Industrial Commission for determination 1360, 1570, 1676

Page

State Institutions—(Continued)
Negro Agricultural and Technical College:
Board of Trustees, power to require surety bond of president 97
North Carolina Sanitorium:
Lenoir County authorized to appropriate funds to settle claims of sanitorium 474
Tubercular prisoners, medical treatment; responsibility for safekeeping 1359
North Carolina State College of Agriculture and Engineering:
Construction of Alumni Memorial Building 1204
Enlargement of athletic stadium 1206
Pembroke State College for Indians:
Name changed to Pembroke State College 49
State Hospitals for Insane:
N. C. Hospitals Board of Control:
Camp Butner property:
Construction, etc., of buildings, without complying with G. S., Ch. 143, Art. 8 1563
Prison for youthful offenders; employment of prisoners by board 259
Regulatory powers; disposition of surplus lands 58
Employees placed under merit system 486
Establishment of facilities for treatment of alcoholics 1531
State School for Blind and Deaf at Raleigh:
Expenditure of funds for out-of-State facilities 501
Payment of costs by persons admitted, law amended 1230
University of North Carolina:
Escheats:
Inoperative State boards, disposition of assets 844
Unclaimed bank deposits, escheat of, law amended 1230
Unclaimed funds held by life insurance companies 704
Medical student loans, credits for professional services in rural areas 1154
Public utility systems, authority to sell or lease 673
School of Dentistry, establishment and operation authorized 498
Session laws and other state publications, distribution of 1434

State Lands:
Conveyance of certain lands to Shaw University authorized 172
Land in Chatham County near Moncure, disposition of 1295

Page

State Licensing Boards—See Licenses and Licensing Boards

State Medical Care Commission—See Medical Care Commission

State Merit System:

Regulations and policies, supervision and administration by State Personnel Director 749, 1430

State Militia:

Age limit lowered 1322

Pay rates and allowances, schedules of 1323

State Officials:

Adjutant General, appointment by Governor; rank and qualifications 1559

Attorney General:

Assistant attorney general, assigned to Utilities Commission 1173

Bonus to certain employees for legislative work 1539

Execution sales, Attorney General notified when property owned by corporation in which State is stockholder 778

Machinery Act of 1939 and amendments, codification and printing of 334

N. C. Utilities Commission Procedure Act of 1949; interventions by Attorney General 1121

Prison Advisory Council, ex-officio member 327

Salary increased 1674

State Banking Commission, ex-officio member 345

Auditor:

Permanent Improvement Appropriations Act of 1949, duties under 1575

Salary increased 1674

Commissioner of Agriculture:

Agricultural Fairs, supervision of 943

Antifreeze, inspection and regulation of sale 1402

Bakery products containing souvenirs, etc., prohibited; grain cereals packed in used containers, prohibited 1114

Dog food, annual registration fee for manufacturers, law amended 1217

Drugs deemed misbranded, law amended 343

Farm census surveys, procedure for; compensation to counties 1666

Gasoline and Oil Inspection Law, administration transferred to Department 1410, 1692

Page

State Officials—(Continued)
Commissioner of Agriculture—(Continued)
Landplaster and liming material, law relating to method of payment of tonnage fees amended 942
Livestock markets, law relating to, amended 1137
Milk, standard weights and measures for sale authorized 1112
Milk and cream, regulation of products from other states 934
Museum Division, procurement of house trailers, etc., for educational exhibits 1151
North Carolina Feed Law amended 648
North Carolina Fertilizer Law amended 646
North Carolina Seed Law rewritten 821
Oleomargarine, law relating to sale and distribution of, amended 1109
Salary increased 1674
Uniform weights and measures:
Coal, coke and charcoal, regulation of sale and weighing 969
Liquid commodities, manner of sale, Act amended 1099
Technical errors in Act amended 1113
Commissioner of Insurance:
Adjusters of insurance claims, regulatory law amended 1083, 1572
Fire insurance, form of standard policy, law amended 414
Fire insurance policies, limitation upon amount and term of insurance; company's liability limited 258
Firemen's Relief Fund, appointment of trustees; approval of surety bond 1211
Fraternal orders, merger, consolidation or reinsurance of fraternal risks 1242
Licensed agents, companies and agents required to transact business through 1314
Motor Vehicles Safety and Responsibility Act, amendments to 1107, 1175, 1399, 1400, 1538
Public hearings as to change of rating schedules 1240
Salary increased 1674
Unclaimed funds held by life insurance companies; definition; disposition of 704
Unfair Trade Practices 1299
Commissioner of Labor:
Disclosure of confidential information acquired by officials in conciliation activities, prohibited 694
Salary increased 1674

Page

State Officials—(Continued)
Commissioner of Motor Vehicles:
Drivers License Act amended 346, 588, 589, 940, 1175, 1315
Fraud committed in procurement of certificate of title, made misdemeanor 328
Highway Safety Act repealed 137
House trailers and trucks, transfer to departments of Archives and History, and Agriculture 1151
Jurisdiction over violations of motor vehicle laws, Act amended 137
Motor Vehicle Act amended 94, 323, 328, 329, 410, 435, 587, 588, 589, 924, 1073, 1152, 1324, 1533-1536, 1646, 1679
Motor Vehicle Inspection Fund, disposition of balances 137
Motor Vehicle Safety and Responsibility Act, amended 1107, 1175, 1399, 1400, 1538
National Guard, license plates, numbering of 1324
Permanent registration plates for certain vehicles, authorized 587
Special operator's license and registration plates for afflicted or disabled persons 108
State Highway Patrol:
Inspection of used out-of-state cars before registration in State 695
Law Enforcement Officers' Benefit and Retirement Fund, payments into fund, law amended 1213
Tort claims against state departments and agencies, determination by Industrial Commission 1360, 1570, 1676
Used cars from out-of-State, inspection before registration 695
Commissioner of Public Welfare:
Adoption of minors, law rewritten 264
Child under six months old, separation from mother unlawful in certain cases 486
Commission for Study of Problems of Care of Aged and Intellectually or Physically Handicapped, establishment of 1539
General assistance to needy persons, establishment of system; federal grants-in-aid, etc. 1186
Hospital Licensing Act amended; effect on powers of Board of Charities and Public Welfare 1046
Prison Advisory Council, ex-officio member 327
Commissioner of Revenue:
Agricultural societies, exhibits exempt from taxation 945
Cashiers' checks for transmission of revenue funds, charges for 1441
Gasoline and Oil Inspection Law, administration transferred 1410, 1692
Gasoline tax, increase of; contingent upon election 1634, 1649

Page

State Officials—(Continued)
Commissioner of Revenue—(Continued)
Machinery Act of 1939:
Amendments 51, 83, 87, 100, 233, 554, 617, 820, 839, 847, 849, 1058, 1138, 1292, 1662
Codification of Act and amendments 334
Revenue Act:
Amendments and Supplements to the Revenue Act of 1939 377-390, 582, 707, 889, 1084, 1421, 1429, 1433, 1526, 1554, 1665
Codification and printing of Act and amendments 390
Schedule B license tax, refund to Dr. R. D. Jennings 1208
Council of State:
Approval of conveyance of certain land to Shaw University 172
Approval required for disposal of lands in Chatham County near Moncure 1295
Surplus State Funds, approval of investments by Treasurer and Governor 179
Director of Department of Conservation and Development:
General:
Atlantic States Marine Fisheries Commission, appointment of one member 1253
Charles B. Aycock Memorial, administration of birthplace property by Parks Division 1160
N. C. Communications Study Commission, ex-officio member 1235
N. C. Game Law, amendments:
Bag limits 1530
Purchase or sale of certain animals for resale 1530
Manner of taking game 1530
Regulations for hunting deer 1531
Seizure of devices used in illegal taking of fish and game 482
N. C. State Ports Authority, Act amended 1005
Tryon's palace, law authorizing restoration by department, amended 199
Local:
Onslow County, exemption of residents from portion of license taxes for commercial fishing 1003
Director of Division of Purchase and Contracts:
Inoperative State boards, disposition of assets 844

Page

State Officials—(Continued)
Director of the Budget:
Permanent Improvement Appropriations Act, authority and duties under 1575, 1615
Utilities Commission, compensation of additional members 1147
Governor:
Adjutant General, appointment of 1559
Atlantic States Marine Fisheries Compact, execution of; appointment of one commission member 1253
Commission for Study of Problems of Care of Aged, etc., appointment of members 1539
Commission to study advisability of establishing state-owned cement plant, authority to appoint 697
Committee on Interstate Cooperation, membership, law amended 1226
Conveyance of certain land to Shaw University authorized 172
Cumberland County, reimbursement for expenses in return of criminal to State 1233
Education, acceptance of federal aid; powers of Governor 1311
Execution sales, Governor notified when property owned by corporation in which State is stockholder 778
Governor's Mansion, appropriation for remodeling 730
Judicial Council, establishment of 1209
Kure Beach, appointment of town officials 592, 1401
N. C. Communications Study Commission, ex-officio member; appointment of members 1235
N. C. State Ports Authority, appointment of members 1005
Permanent Improvement Appropriations Act, authority under 1575, 1615
Prison Advisory Council, appointment of 327
Proposed constitutional amendment transferring power to assign superior court judges to Chief Justice 882, 1523
School Plant Construction, Improvement and Repair Fund, bond election, duty to fix date 1158, 1628
Secondary Road Bond Act of 1949 ..... 1629, 1649
Special judges, appointment of 702
State Banking Commission, appointment of members 345
State lands in Chatham County near Moncure, authority to convey 1295
State personnel council, appointment of members 748, 1430
State Ports Bond Act of 1949 929
Surf City, appointment of officials 511

Page

State Officials—(Continued)
Governor—(Continued)
Surplus State Funds, duties as to investment 179
Utilities Commission, appointment of commissioners 1147
Insurance Commissioner—See Commissioner of Insurance under State Officials
Lieutenant Governor:
Proposed constitutional amendment to increase compensation as President of Senate 1661
Secretary of State:
Bus Act of 1949; filing of copies of certain orders and rules 1331
County agricultural societies, filing of articles of incorporation 945
Machinery Act of 1939 and amendments, codification and printing of 334
Municipal corporations organized to build and operate toll roads, organization and recording fees 1162
Salary increased 1674
Session laws and other state publications, distribution of 1434
State lands in Chatham County near Moncure, authority to convey 1295
State Superintendent of Public Instruction:
Compulsory attendance; curriculum standards of private schools 1176
Federal aid to education, acceptance and administration of 1310
Insurance of school property by State; Division of Insurance established 1436
N. C. Communications Study Commission, ex-officio member 1235
Public School Laws, various sections of Chapter 115 of General Statutes amended 1176
Salary increased 1674
School busses, transportation of teachers 78
School districts, creation of, in contiguous portions of two or more counties 610
School funds, administration of 1245
School Machinery Act, amendments to 78, 1045, 1177, 1247, 1248, 1310, 1311
Supervisor of Music Education, appointment of; compensation 1111
State Treasurer:
Attorney General's office, payment of bonus to certain employees 1539
Cashiers' checks for transmission of revenue funds, charges for 1441

Page

State Officials—(Continued)
State Treasurer—(Continued)
Confederate pensioners dying in State and local institutions, payment of burial expenses 1154
Ex-officio treasurer of State General Assistance Fund 1187
Permanent Improvement Appropriations Act of 1949, authority and duties under 1575
Public School Insurance Fund, administration of 1436
Salary increased 1674
Secondary Road Bond Act of 1949 1629, 1649
Spanish American War Relief Fund, annual payments to United Spanish War Veterans 496
State Banking Commission, ex-officio member 345
State boards, inoperative, payment of funds to Treasurer 844
State Ports Bond Act of 1949 929
Surplus State Funds, duties as to investment 179
U. S. Unemployment Trust Fund, custodian of funds received from 420
Superintendent of Weights and Measures:
Act relating to manner of sale of liquid commodities, amended 1099
Coal, coke and charcoal, regulation of sale and weighing 969
Public weigh masters and scale mechanics, law amended 1112
Technical errors in Weights and Measures Act amended 1113

State Parks—See Parks and Public Squares

State Personnel Department—See under State Departments

State Ports Authority:
Act relating to, amended 1005

State Ports Bond Act of 1949 929

State Registrar of Vital Statistics:
Adoption of minors:
Duties of State Registrar 276
Original birth certificate and records sealed 277
Report of change of name of child to State Registrar 276
Birth and death certificates, contents 135
Birth and death certificates of non-residents forwarded to county of residence 101
Birth and death records, access to, restricted 134
Birth registration card, contents; availability of complete information in certain instances 134

Page

State Registrar and Vital Statistics—(Continued)
Certificate of identification for child of foreign birth 134
Death certificates for members of armed forces killed outside U. S. 144

State School for Blind and Deaf at Raleigh:
Expenditure of funds for out-of-State facilities 501
Payment of costs by persons admitted, law amended 1230

State Superintendent of Public Instruction—See under State Officials

State Superintendent of Weights and Measures—See under State Officials

State Treasurer—See under State Officials

State Unemployment Compensation Commission—See Employment Security Commission

State Utilities Commission—See North Carolina Utilities Commission

Statesville, City of:
Civil service board, appointment of members 577
Elections, prior municipal elections validated 1658
Mayor's Court, appointment of assistant judge; costs in criminal cases 710
Parking meters, law amended as to use of proceeds 576
Sale of certain power lines and rights of way authorized 576

Statonsville, Town of:
Conveyance of certain land to Wilson County Board of Education, validated 580

Statutes, General—See General Statutes

Statutes of Limitations:
General:
Condemnation of rights of way by Highway Commission, actions for damages 1309
Employment Security Law, actions to determine liability or status of employer 426
Foreclosure sales under power of sale 792
Hospital Facilities Act, actions contesting elections 873
Income Tax, assessments and refunds by Commissioner of Revenue 384
Inheritance taxes, remitted after twenty years, law amended 617
Judgment on certificate for taxes in favor of State, period for enforcement 388

Page

Statutes of Limitations—(Continued)
General—(Continued)
Missing persons, actions against distributees after administration of estate 583
Sanitary Districts, action contesting validity of bond elections, etc. 988
Local:
Aulander, actions on tax liens 555
Brunswick County, limitation of time for protesting leases of oyster beds 1174
Canton, uncollected ad valorem and poll taxes for certain years declared uncollectible 88
Carolina Beach, actions for contesting election as to tax levy for advertising and other purposes 279
Dunn, delinquent taxes, limitation of time for collection or foreclosure of liens 1282
Harnett County, delinquent taxes, limitation of time for collection of foreclosure of liens 233
Rowan County, delinquent taxes, limitation of time for collection or foreclosure of liens 839
Yadkin County, delinquent taxes, limitation of time for collection or foreclosure of liens 51

Steam Electric Generating Plants:
Use of the waters of Neuse River in the operation of 612

Stem, Town of:
Tax rate limitation increased 89

Stock Law:
Jackson County, Cashier's Township declared exclusive stock law territory subject to election 853

Stocks and Stockholders:
Certificates of stock, facsimile signatures of officers authorized 918
Decrease of capital stock, law amended 1075
Directors, requirement as to being stockholders of corporation, amended 1044
Shares without par value, law amended as to creation of 1057

Stokes County:
Board of education, compensation of members 668
Campbell, P. C., official acts as justice of the peace, validated 22
County Home Farm, sale of portions of property authorized; prior conveyances validated 746

Page

Stokes County—(Continued)
Justices of the peace, fees in civil and criminal cases; regulations 590
Salaries of clerk of superior court, sheriff, register of deeds, and other officers 667, 1524
Tax releases, approval by county commissioners 665
Tax supervisor, creation of office; powers, duties, salary, etc. 664
Taxes, certain delinquent tax collections payable to general fund 840
Treasurer, abolition of office, authorized 665
Walnut Cove ABC stores:
Law authorizing election inoperative upon call of county election 1375
Participation in profits by county, if stores established 1375

Streams—See Rivers and Streams

Street Assessments—See under particular City or Town; see Taxes and Taxation

Streets and Sidewalks—See Roads and Highways

Student Loans:
Law as to student loans by State educational institutions, amended 592
Medical students, credits on loans for professional services in rural areas 1154

Summons—See Civil Procedure

Sunday Observance Laws:
Catawba County exempted from law relating to work on Sundays 1312
Davie County, pool and billiard rooms, operation on Sunday, regulated 548
Iredell County, motor vehicle races on Sunday prohibited 346
Pasquotank County, horse racing prohibited on Sunday 1064
Wake County, motor vehicle races on Sunday prohibited 146

Superior Courts:
Clerks of Superior Court:
General:
Administrator, nomination of, by person renouncing right to administer 24
Adoption of minors, law rewritten 264
Ancillary Guardian, appointment for non-resident wards having lands in State 1116
Assistant Register of Deeds, certificate of appointment recorded in office of Clerk of Superior Court 225
Attested writing, proof of, law amended 925

Page

Superior Courts—(Continued)
Clerks of Superior Court—(Continued)
General—(Continued)
Bonds of administrators, executors, etc., law relating to, amended ____ 1098
Commissioners in partition proceedings, compensation fixed by clerk of the superior court ____ 1106
Complaint, service when filed after issuance of summons; time for answer ____ 1307
Constables, record of arrests filed with clerk in certain counties ____ 1652
Death of party to civil action, law as to procedure amended ____ 42
Deceased teachers and other school employees, administration of final salary payments in certain cases ____ 1177
Deeds with omission of order of registration by clerk of superior court, validated ____ 487
Deputy clerks of superior court, prior acts in taking acknowledgments, etc., validated ____ 1232
Domestic Relations Courts, transfer of cases to, law amended ____ 613
Drainage districts:
Approval by clerk of superior court of levy of annual maintenance assessments ____ 1546
Power of clerk of superior court to appoint commissioners ____ 1081
Execution sales, regulations and procedure ____ 757, 775
Foreign guardian, removal of ward's personalty ____ 220
Future interests, disposition of property held by a "class," when possibility of increase in membership within class ____ 920
Guardians, sale of ward's estate in county in which guardian does not reside ____ 821
Indigent children and mental incompetents, payment of sums into court on behalf of ____ 154
Indigent defendants in capital cases without counsel, duties of clerk of superior court ____ 85
Inebriates, temporary confinement pending hearing ____ 1110
Insane persons, jurisdiction of clerk in proceedings for discharge of guardian ____ 92
Intestates, payment to clerk of certain sums due intestates; disposition ____ 716
Judicial sales, regulations and procedure ____ 757

Page

Superior Courts—(Continued)
Clerks of Superior Court—(Continued)
General—(Continued)
Justices of the peace, vacancy appointments by clerk of superior court 1270
Juvenile court, law relating to appeals from, amended 1106
Leaves of absence, regulation of 91
Lis pendens, filing of notice; cancellation 224
Missing persons, procedure for administration of estates 583
Neighborhood public roads, proceedings to establish, alter or discontinue, law amended 1545
Oaths and acknowledgments, powers of clerk; prior acts validated 49
Partition Proceedings, extension of time for filing report by commissioners 19
Pre-trial dockets, maintenance of 415
Private hospitals for mentally disordered, examination and commitment, law amended 1219
Prosecution bonds, counties exempted from requirements in civil actions 46
Sales under power of sale, regulatory law, jurisdiction of clerk of superior court 788
Seized weapons, concealed, disposal of after conviction 1548
State agencies and administrative boards, filing of certain rules and regulations with clerk of superior court 350
Warrants, execution without endorsements 140

Local: (For salaries and fees, see that topic)
Carteret County, payment to clerk of small sums due intestates 20
Caswell County, office hours 1138
Chatham County, certain unclaimed witness fees paid into general fund 1032
Cherokee County, clerk of superior court made librarian of county law library 1027
Columbus County, fees of clerk of superior court; maintenance of certain records prescribed 466
Durham County:
Appointment of assistant clerk and other employees 1134
Professional bondsmen to file schedule of financial condition 1023, 1574

Page

Superior Courts—(Continued)
Clerks of Superior Court—(Continued)
Local—(Continued)
Forsyth County:
Act relating to keeping, docketing, destruction, etc., of certain public records 1089
Photostating or photographing of records, authorized 567
Salary of clerk of superior court; continuation of special trust fund; investment of funds 470
Franklin County, advance court costs, law amended as to fees of clerk of superior court 374
Guilford County, duties with respect to probate of real estate subdivision plats 994
Halifax County, annual reports of clerk of superior court, period covered 375
Henderson County, clerk of superior court authorized to destroy records in certain tax foreclosure suits; maintenance of index 597
Jackson County, clerk of superior court constituted librarian for law library 1561
McDowell County, appointment of deputy clerk authorized 1033
Madison County, appointment of deputy clerk of superior court; salary 479
Mecklenburg County, professional bondsmen, statement of financial condition required 1221
Northampton County, payment of certain unclaimed fees to school fund 742
Richmond County, small sums due intestates, payment to clerk of superior court for administration 64
Rowan-Iredell County Drainage District No. 2, appointment of members 1668
Sampson County, small sums due intestates, handling by clerk of superior court 862
Surry County, acts of Carolyn V. Cooper, as deputy clerk of superior court or assistant clerk of superior court, validated 470
Transylvania County, advance payment of costs in divorce actions 11
Union County:
Employment of additional assistant to clerk of superior court, compensation 559
Reimbursement of clerk of superior court for sum expended for clerical assistance 560

Page

Superior Courts—(Continued)
Clerks of Superior Court—(Continued)
Local—(Continued)
Wake County:
Assistant clerks of superior court, authority for appointments ... 61
Authority for photostating, photographing records; disposal of inactive records ... 1293
Washington County, certain acts of deputy clerk of superior court validated ... 1566
General: (For Acts affecting individual counties only, see under particular county)
Appeals from justice of the peace courts in summary ejectment proceedings, law amended ... 1399
Bus Act of 1949, jurisdiction of superior court as to enforcement ... 1351
Act amended ... 1677
Calendar for trial of criminal cases ... 141
Civil actions arising out-of-state, all parties non-resident, power of court to dismiss ... 696
Civil procedure—See Title, Civil Procedure
Complaint, service of, when filed after issuance of summons; time for answer ... 1307
Constitutional amendments, proposal as to assignment of judges; jurisdiction of special judges ... 882, 1523
Counsel for indigent defendants in capital cases, appointment ... 85
Custody of children of parents divorced outside of State ... 1148
Demurrers, authority for hearing out of term ... 111
Divorce and alimony, jurisdiction of actions ... 227
Divorce on grounds of insanity, jurisdiction ... 228
Exception to adverse ruling upon objection to admission of evidence, not necessary ... 113
Execution sales, regulations and procedure ... 757, 775
Federal courts, removal from or remand to State courts, procedure ... 917
Future interests, power of court as to disposition of property held by a "class", when possibility of increase in membership within class ... 920
Grand juries, law as to duties amended ... 175
Guardianship, sale of ward's estate in county in which guardian does not reside ... 821
Insane persons, proceedings for restoration of sanity and discharge of guardian ... 92

Page

Superior Courts—(Continued)
General—(Continued)
Judges:
Appropriation for increased salaries ... 1401
Charge to grand jury, law amended ... 175
Charge to jury in civil and criminal cases, duties of judge defined ... 82
Compensation and expense allowances ... 132, 1401
Proposed constitutional amendment:
As to assignment of judges by Chief Justice ... 882, 1523
As to election of judges ... 391
As to jurisdiction of special judges ... 882, 1523
Retired judges, compensation ... 1271
Special judges, appointment ... 702
Judicial sales, regulations and procedure ... 757
Jurors and Juries—See Title Juror and Juries
Juvenile Court, law relating to appeals from, amended ... 1106
Larceny and receiving stolen goods, jurisdiction of court, law amended ... 110
Motions to strike, authority for hearing out of term ... 110
Motor vehicles, jurisdiction over violations of laws, amended ... 137
N. C. Utilities Commission Procedure Act of 1949; extent of court review on appeal ... 1126
Pre-trial hearings in civil cases ... 415
Retired judges, law as to compensation, amended ... 1271
Solicitors:
Appropriation for increased salaries ... 1401
Compensation and expenses ... 154
Special judges, appointment ... 702
Special terms of superior court, proposed constitutional amendment as to authority to call ... 1523
Terms of Superior Court:
Alexander County ... 459
Alleghany County ... 458
Caldwell County ... 455
Catawba County ... 1320
Columbus County ... 472
Craven County ... 1516
Lenoir County ... 1284
Madison County ... 1286
Moore County ... 456

Page

Superior Courts—(Continued)
General—(Continued)
Terms of Superior Court—(Continued)
New Hanover County 716
Pasquotank County 986
Perquimans County 231
Pitt County 975
Watauga County 714
Wilkes County 1133

Supervisor of Music Education:
Appointment authorized; compensation 1111

Supplements to General Statutes:
Cumulative Supplements, status as evidence of laws 41

Surety Bonds:
General:
Administrators, executors, and collectors, law amended as to bonds 1098
Execution sales, bonds required as part of procedure 781
Firemen's Relief Fund, bond of treasurer 1211
Judicial sales, bonds required as part of procedure 760, 768
Justices of the peace, faithful performance bond required of certain justices; many counties exempt 1269
Missing persons, bond required of distributees of estate 583
Negro Agricultural and Technical College, power of board to require bond of President 97
Prosecution bonds, civil actions, counties exempted from requirements 46
School funds, bond required of treasurers of school administrative units 1246
United Spanish War Veterans of North Carolina, bond required of disbursing agent 496

Local:
Bladen County, law relating to professional bondsmen 613
Cleveland County, ejectment proceedings, defendant's undertaking upon removal from justice of the peace to recorder's court 959
Concord, Graded School Board, bond of treasurer 413
Currituck County, Racing Commission, bond of treasurer 544
Durham County, law relating to professional bondsmen 1023, 1574
Forsyth County:
Airport Commission, bond of treasurer 626

Page

Surety Bonds—(Continued)
Local—(Continued)
Forsyth County—(Continued)
Public Administrator, bond of 634
Gaston County, justices of the peace, bond required 976
Gastonia, Supplementary Pension Fund, bond of custodian 538
Greensboro, bond of treasurer of School Administrative Unit 365
McDowell County, officials bonds of register of deeds and clerk of superior court, payment of premiums 436
Mecklenburg County:
Bond of clerk of recorder's court 1079
Law relating to professional bondsmen 1221
Montgomery County, tax supervisor, bond required 535
Raleigh:
Charter rewritten including provisions relating to public officials' bonds, etc. 1442
City Court Clerk, performance bond required 1277
Stokes County, bond of tax supervisor 666
Wake County, Recorder's Court of Cary, etc., bond of clerk 1012
Warren County, Superintendent of Schools, faithful performance bond required 180

Surf City, Town of:
Act of incorporation; powers and duties of public officials; method of selection, etc. 506

Surplus Funds:
Investment of surplus state funds by Treasurer and Governor 179

Surry County:
Carolyn V. Cooper, acts as deputy clerk or assistant clerk of superior court validated 470
General County Court, law relating to, amended 1009
Mt. Airy Township recorder's court, territorial jurisdiction extended; compensation of court officials 1088
Register of deeds, compensation of deputy or clerical assistants 38
Sheriff and deputies, compensation 217
Superior Court, compensation of deputy clerk 628

Surveys—See Maps and Surveys

Swain County:
Board of commissioners, compensation of members 256
Delinquent tax collections for certain years payable to general fund; exception as to school taxes 169
Fees of jurors; mileage allowances 200

Page

Swain County—(Continued)
Fox hunting, open season defined 196
Keeping bears in captivity prohibited 75

Swansboro, Town of:
ABC stores, allocation of percentage of net profits to town 1386

T

Tabor City:
ABC stores, election on establishment of; allocation of profits 1379

Tar River Port Commission:
Law amended as to issuance of bonds or notes; tax exemption 1560

Tarboro, Town of:
School Board, appointment of members; acts of board validated 879
Town common, authority to lease or convey portion to school trustees 878
Zoning powers extended beyond corporate limits; additional members of Zoning Commission 1521

Tax Collectors—See under particular County, City or Town; See Taxes and Taxation

Tax Refunds—See Taxes and Taxation

Tax Sales—See Taxes and Taxation

Taxes and Taxation:
General:
Ad valorem taxes, listing by taxpayer doing business and having personal property in several counties 1058
Agricultural products, valuation for taxes when held by stabilization and marketing associations 820
Agricultural societies, exhibits exempt from taxation 945
County Capital Reserve Funds, application of tax collections for special purposes 162
Delinquent taxes, relief of tax collectors as to certain uncollected taxes 835
Disabled veterans, tax exemption of motor vehicles given by federal government 100
Drainage districts, levy of annual maintenance assessment; collection of 1546
Exemption from taxation, funds of Beaufort County Peace Officers' Protective Association 700
Franchise Taxes—See under Revenue Act

Page

Taxes and Taxation—(Continued)
General—(Continued)
Gasoline Tax—See under Revenue Act
Income Taxes—See under Revenue Act
Inheritance Taxes—See under Revenue Act
Intangibles Tax—See under Revenue Act
License Taxes—See under Revenue Act; see Licenses and Licensing Boards
Local Government Act, application to all units having power to levy ad valorem taxes 1054
Machinery Act:
Amendments to 51, 83, 87, 100, 233, 554, 617, 820, 839, 847, 849, 1058, 1138, 1292, 1662
Codification and printing 334
Motor vehicles, additional license tax for overloading vehicles, applicable to non-residents 589, 1646
Municipal corporations:
Jails, taxes authorized for establishment, operation, and maintenance 1063
Privilege and license taxes, readoption of existing ordinance by reference 1060
Toll roads, municipal corporations, exemption from taxation 1162
N. C. State College, certain bonds exempt from taxation 1204
Non-profit hospitals, tax levies by local government units for construction and operation 876
Public libraries:
County Finance Act amended to authorize levy of taxes for libraries 322, 1664
Limitation on special tax levy for library purposes increased 322
Public service companies, power of local units to tax; portion of State tax allocation to municipalities 380
Quadrennial assessments for taxation, postponement authorized 83
Refunds, Schedule B license tax, refund to Dr. R. D. Jennings 1208
Revenue Act: (See that Topic)
Amendments to 377-390, 582, 707, 889, 1084, 1421, 1429, 1433, 1526, 1554, 1665
Codification and printing 390
Revenue Bond Act of 1938, amended 1244
Sanitary Districts, law amended as to tax levies 988

Page

Taxes and Taxation—(Continued)
General—(Continued)
School districts, laws relating to elections on special tax levies amended 1044
School Plant Construction, Improvement and Repair Fund bonds, exemption from taxation 1158
School supplemental taxes, election laws amended 1176
Shaw University, tax exemption 1288
Special tax levy for refunding bonds in certain townships 332
State Board of Assessment, cooperation with Utilities Commission, mutual assistance for rate-making and taxation purposes 1174
State Ports Bonds, etc. exempt from taxation 931
Tar River Port Commission bonds or notes, tax exemption 1560
Tax levy elections, result determined by majority of those voting 492

Local:
Alamance County:
Board of Equalization and Review, extension of time for completing revaluations 79
Sale of tax liens, application of general law 80
Anson County:
Adjustment of delinquent taxes, Act amended 241
Delinquent taxes, allocation to general fund 241
Provisions for prepayment of taxes 1146
Ansonville, adjustment of certain delinquent taxes authorized 1525
Asheville, listing of certain delinquent taxes, law amended 1650
Aulander:
Certain tax levies and tax sales, validated; limitation of time for actions on tax liens 555
Tax levy for supplemental salaries to deputies sheriff, authorized 482
Beaufort County:
Certain surplus tax funds for special purposes, transfer to debt service fund 257
Exemption from taxation, funds of Beaufort County Peace Officers' Protective Association 700
Bertie County, tax levies and sales for certain years validated 836
Bessemer Sanitary District, consolidation with City of Greensboro; separate tax districts 1680
Bladen County, professional bondsmen, licensing of by county and municipality 613

Page

Taxes and Taxation—(Continued)
Local—(Continued)
Brunswick County, Southport White School District, election on supplement tax levy 315
Buncombe County:
Listing of certain delinquent taxes, law amended 1650
Official Tax Scroll, law relating to, amended 1650
Burke County:
Delinquent taxes, allocation of, to general fund 251
Special tax levy for expenses of quadrennial revaluation of property 1180
Calypso, law amended as to limitation of tax rate 281
Camden County:
Delinquent tax collections, appropriation to general county fund 38
Special tax levy for administrative building bonds, subject to election 283
Canton, abatement of uncollected ad valorem and poll taxes 88
Carolina Beach, tax levy for advertisement and development of town, subject to election 279
Catawba County, delinquent tax collections payable to general fund account 75
Chapel Hill, levy and collection of school taxes transferred to Orange County 1046
Charlotte:
Discounts for prepayment of taxes 847
Election on question of special tax levies for community college system 894
Levy of tax for erection of municipal auditorium, special law repealed; general law applicable 595
Tax levy for park and recreation purposes, law authorizing election on question, repealed 596
Chatham County:
Allocation of certain delinquent taxes to General Fund 1679
Certain tax sales validated 90
Special tax levies for certain necessary purposes 947
Cherokee County, delinquent tax collections for certain years, payable to general fund; exceptions 351
Clay County:
Commissioner of Motor Vehicles to furnish list for tax purposes 53
Rate of interest on certain tax sale certificates reduced 53

Page

Taxes and Taxation—(Continued)
Local—(Continued)
Colerain, tax levy for supplemental salaries to deputies sheriff, authorized 482
Columbus County:
Agricultural products exempt from taxes 644
Certain delinquent tax collections placed in revolving fund; appropriations to other funds, authorized 1185
Concord, assessments against adjoining property owners for street improvements 569
Craven County, law relating to taxes for school purposes, made applicable to county 315, 1383
Cumberland County:
Power of Board of Commissioners to make adjustment of delinquent taxes 151
Revaluation and reassessment of property deferred 523
Special tax levy for maintenance of veterans service office authorized 1007
Special tax levy for poor, increase in rate 171
Use of ABC store funds for expense of property revaluations 195
Currituck County, tax levy for school bus drivers, Act repealed 130
Dare County:
License tax imposed upon persons playing or operating game of bingo 1067
Special Act relating to reassessment of property repealed 144
Dunn:
Delinquent tax collections for certain years, payable into general fund account 1282
Delinquent taxes, limitation of time for collections or foreclosure of liens 1282
Durham (City):
Reapportionment of assessments among subdivisions of property 1672
Regulation of sales of personal property levied upon for delinquent taxes 984
Special assessments for local improvements without petition; procedure 1052
Taxicabs, additional license and privilege taxes 410
Durham County, regulation of sales of personal property levied upon for delinquent taxes 984
East Spencer, tax levies authorized 514

Page

Taxes and Taxation—(Continued)
Local—(Continued)
Edgecombe County:
Law relating to taxation of fair associations, repealed 557
Sheriff relieved of tax collection duties 804
Fairmont:
Assessments levied for street paving validated 47
Delinquent tax collections for certain years payable into general fund account 67
Faison, tax levies authorized 10
Fremont, City School Administrative Unit, election on supplement tax levy 431
Gates County, special tax levy for payment of salaries of certain officials 946
Goldston, levy of ad valorem tax authorized 51
Granite Quarry, increase in poll tax 687
Granville County, authority to levy taxes for appropriations to Oxford fire department 1391
Greensboro:
City School Administrative Unit, taxing powers 367
Discounts and penalties on payments 849
Merger and consolidation of Sanitary District; separate taxing districts 1680
Guilford County:
Anti-rabies vaccination fee, credit on dog tax 463
Revaluation of property for taxation; prepayment of taxes; discounts 355
Halifax County, settlement and adjustment of delinquent taxes ratified 86
Harnett County:
Delinquent tax collections for certain years, payment into general fund 475, 1283
Tax liens, statute of limitations made applicable 233
Haywood County, salary of Tax Supervisor and Tax Collector 60
Henderson County:
Clerk of superior court authorized to destroy records in certain tax foreclosure suits; maintenance of index 597
Special tax levy for benefit of certain non-profit hospitals 596
Tax levy authorized for salary of Veterans Service Officer 498, 916
Hendersonville:
Adjustment of delinquent taxes and street assessments authorized 77

Page

Taxes and Taxation—(Continued)
Local—(Continued)
Hendersonville—(Continued)
Exemption from law establishing discounts for prepayment of taxes 87
Hertford County, election on tax levy for benefit of Roanoke-Chowan Hospital, Inc. 900
Hickory, charter amended as to authority to levy taxes; tax liens 505
Hudson, powers of taxation 432
Act repealed 1266
Huntersville, tax office, compensation for special services 636
Hyde County, public health, special tax levy for certain purposes authorized 926
Iredell County:
Drainage districts, procedure for assessments 1671
Rowan-Iredell County Drainage District No. 2, assessments authorized 1668
Jackson County:
Board of Equalization and Review, meetings of the Board 1130
Transfer of delinquent tax collections to general fund 1130
Johnston County:
Bentonsville Township, election on use of funds from special tax levy for Community House 1316
Clayton School District, use of surplus funds from special tax levy for school lunch room 728
Delinquent tax collections, allocations to general fund; exceptions 1162
Election on special tax levy for school building bonds 904
Tax Supervisor, appointment of 533
Jones County, board of equalization and review, time of meetings; tax valuations validated 255
Laurinburg, street improvement assessments, validated 375
Leaksville, special election as to repeal of law establishing different tax rate in 1945 incorporated area 157
Law rewritten 442
Lee County:
Allocation of certain delinquent tax collections 136
Quadrennial revaluation and reassessment of property, postponement authorized; procedure; powers of officials 152
Tax collector, compensation 205
Tax levy for special purposes, rate increased 501

Page

Taxes and Taxation—(Continued)
Local—(Continued)
McDowell County, Board of Equalization and Review, time for completion of duties 554
Macclesfield, levy and collection of taxes authorized 1318
Madison County, tax supervisor, appointment, powers, duties, compensation 860
Martin County:
Schedule of tax penalties and discounts 76
Special elections for tax levy in certain school districts 203
Tax levy authorized for drainage of streams, contingent upon referendum 585
Mecklenburg County:
Compensation of tax collector and tax supervisor 1037
Discounts for prepayment of taxes 1138
Mitchell County, compensation of County Accountant-Tax Supervisor 197
Montgomery County:
Adjustment of certain delinquent taxes 534
Tax Supervisor, powers and duties of tax collector transferred 534
Morehead City:
Port Commission, refunding bonds exempt from taxation 97
Racing Commission, franchise tax 630
New Bern, adjustment of certain delinquent taxes 548
New Hanover County, revaluation of property deferred 535
Onslow County, exemption of residents from portion of license taxes for commercial fishing 1003
Pasquotank County, franchise tax on operators of race course 1064
Pender County, revaluation and reassessment of taxable property 1281
Perquimans County, allocation of delinquent tax collections 1136
Pitt County, election on supplemental tax levies in certain districts 106
Polk County, Tryon Township, special election on tax levy for maintenance of recreation ground 902
Raeford:
Ad valorem tax rate, maximum increased 101
Law amended as to levy and collection of taxes 896
Raleigh:
Charter rewritten, including provisions relating to taxing powers, collector of revenue, etc. 1442, 1482

Page

Taxes and Taxation—(Continued)
Local—(Continued)
Raleigh—(Continued)
Consolidation of tax listing and collection functions with Wake County authorized 351
Robeson County, certain sales of tax certificates and adjustments validated 536
Rocky Mount:
Adjustment of certain delinquent paving assessments authorized 104
City Administrative School Unit, tax levy for school building bonds 675
Roper, tax liens unaffected by change in corporate limits 621
Rowan County:
Drainage Districts, procedure for assessments 1671
Rowan-Iredell County Drainage District No. 2, assessments authorized 1668
Tax foreclosure actions, statute of limitations 839
Tax supervisor, appointment, duties, compensation of; auditor as tax supervisor 465
Salisbury:
Abatement of certain assessments against property of Rowan Memorial Hospital authorized 27
Law authorizing special assessments for local improvements made applicable 1055
Scotland County:
Delinquent tax collections, appropriation to general fund authorized 29
Revaluation of property deferred 549
Shallotte, tax levies authorized 109
Southern Pines, School District, special tax levy for payment of school building bonds 16
Stem, tax rate limitation increased 89
Stokes County:
Certain delinquent tax collections payable to general fund 840
Creation of office of tax supervisor; powers, duties, salary, etc. 664
Swain County, delinquent tax collections payable to general fund; exception as to school taxes 169
Tyrrell County, special tax levy for operation of library 942
Union County, certain delinquent taxes allocated to general fund 40
Vance County, Townesville township, special tax levy to pay refunding bonds 888

Page

Taxes and Taxation—(Continued)
Local—(Continued)
Wake County:
Consolidation of tax listing and collecting functions with City of Raleigh authorized 351
Payment of certain delinquent taxes into School Fund 446
Tax Collector, relief from charge of uncollectible taxes 447
Wallace, authority to levy taxes 602
Watauga County, quadrennial revaluation of property, postponement authorized; procedure; powers of officials 152
Wayne County:
Ad valorem tax exemption for certain re-dried tobacco 1292
Delinquent tax collections, appropriation to general fund 10
Postponement of quadrennial assessment authorized 16
Wilmington, private sale of real estate acquired through tax foreclosure sales, authorized 392
Winston-Salem, levy of taxes in School Administrative Unit 128
Yadkin County, limitation of actions for foreclosure of certain tax liens 51
Yancey County, compensation of county accountant for services as tax collector 63

Taxicabs—See Motor Vehicles

Teachers—See Schools and School Districts

Teachers' and State Employees Retirement System:
Benefits, payment of, law amended 1216
Cooperative Agricultural Extension Service, membership of employes 1216
Creditable Service:
Service credit to members of armed forces 1215
Statement of prior service, law amended 1215
Membership, admission to, law amended 1214
Proposed Constitutional amendment to safeguard funds 932
Reemployment of retired teachers and employees, law repealed 1216
Restoration to service of certain former members 1215

Television:
Motor vehicles, regulation of location of television viewers 588

Tenants—See Landlord and Tenant

Terms of Superior Court:
Alexander County 459

Page

Terms of Superior Court—(Continued)
Alleghany County ... 458
Caldwell County ... 455
Catawba County ... 1320
Columbus County ... 472
Craven County ... 1516
Lenoir County ... 1284
Madison County ... 1286
Moore County ... 456
New Hanover County ... 716
Pasquotank County ... 986
Perquimans County ... 231
Pitt County ... 975
Watauga County ... 714
Wilkes County ... 1133

Testamentary Disposition—See under Wills

Thomasville, City of:
Absentee voting law not applicable ... 217
Biennial election; division of City into wards ... 213
Board of Elections, general powers ... 215
Councilmen, compensation ... 217
Police officials, authority to issue criminal process ... 92
Recorder's Court, jurisdiction amended ... 525
Treasurer authorized to reimburse persons entitled to funds stolen from office of police chief ... 73

Timber:
Partition proceedings for sale of standing timber, law relating to, amended ... 33
Waynesville, sale of timber from watershed property authorized ... 40

Tobacco:
Failure of tenant to account to landlord for proceeds of certain tobacco sales made misdemeanor ... 158
Wayne County, ad valorem tax exemption for redried tobacco stored for shipment out of county ... 1292

Toll Roads:
Municipal corporations, organization authorized for purpose of constructing and operating ... 1162

Tort Claims Against State Departments and Agencies:
Hearings and determinations by N. C. Industrial Commission; list of claimants ... 1360, 1570, 1676

Page

Towns—See Cities and Towns

Townships—See under particular County

Trade Practices:
Regulation of trade practices in the business of insurance 1299

Traffic Bureaus:
Laurinburg, procedure before traffic bureau; penalties for traffic violations 591
Sharpsburg, establishment authorized 910
Wagram, establishment authorized 1556
Whitakers, establishment authorized 910

Transylvania County:
Clerk of superior court, advance court costs in actions for absolute divorce 11
Historical commission, creation of; celebration of county's centennial anniversary 1296
Jail fees authorized 621
Rosman Elementary School Building, contract for construction authorized 318

Treasurer—(State, see under State Officials; local, see under particular County, City or Town)

Trenton, Town of:
Mayor and commissioners, nomination and election in convention 987

Trespass:
Hunting and fishing on posted land without owner's written consent, made misdemeanor 1002

Trusts and Trustees: (See also Mortgages and Deeds of Trust)
Corporation, trustee, Act relating to witnessing of wills by stockholders 41
Future interests, disposition of property held by a class, when class subject to increase 920
Judicial sales, regulations and procedure 757
Sales under power of sale, regulations and procedure 788

Tryon's Palace:
Law authorizing restoration, amended 199

Turner, R. B.:
Official acts as justice of the peace, Mitchell County, validated 558

Twin County Peace Officers' Relief Act 1513

Page

Tyrrell County:
Damages by dogs, exemption of county from law prescribing liability ... 183
Library, special tax levy for operation of ... 942
Marriage licenses, Act regulating issuance to non-residents of State amended to exempt county ... 17

U

U-Drive-It Passenger Vehicles:
Defined for purpose of Motor Vehicle Act ... 924

Unborn Children:
Act to protect children born to parents marrying under minimum age ... 1161
Disposition of property held by class, when class subject to increase by persons not in esse ... 920

Unclaimed Funds:
Unclaimed bank deposits, escheat of, law amended ... 1230
Unclaimed funds held by life insurance companies, escheat of ... 704

Unemployment Compensation—See Employment Security Law

Unfair Trade Practices:
Trade practices in the business of insurance regulated ... 1299

Uniform Drivers' License Act:
Contents of operator's and chauffeur's license, law amended ... 589
Expiration of operator's license ... 940
Limited or restricted operator's or chauffeur's license ... 1315
Restoration or reissuance of license after suspension period ... 1175
Surrender of operators' or chauffeurs' licenses ... 588
Suspension and revocation of license ... 346

Uniform Negotiable Instruments Law:
Checks, payment by drawee bank, deemed conditional unless accepted or certified; exceptions ... 1079
Instrument payable to bearer, definition ... 1078

Uniform Weights and Measures:
Coal, coke and charcoal, law amended as to regulation of sale and weighing of ... 969
Liquid commodities, manner of sale, law amended ... 1099
Milk, Board of Agriculture authorized to prescribe standards for sale ... 1112
Technical errors in Act corrected ... 1113

Page

Union County:
Additional deputy sheriff and additional assistant to clerk of superior court, employment authorized; compensation 559
Clerk of superior court, reimbursement for sum expended for clerical assistance 560
Constables, schedule of fees amended 308
Justices of the peace, schedule of fees amended 307
Monroe Recorder's Court, schedule of fees 735
Recorder's Court:
Compensation of H. B. Smith for services as sub-recorder 34
Compensation of recorder and prosecuting attorney 843
Increase in salaries of clerk and assistant clerk 955
Register of deeds, salary; compensation of deputies and clerical assistants 960
Taxes, certain delinquent tax collections allocated to general fund 40

United Spanish War Veterans:
Annual payments to quartermaster, from Spanish American War Relief Fund 496

United States Armed Forces—See Veterans of Wars

United States Government:
General:
Depositions of persons in civilian service abroad 972
Federal aid to education, provision for acceptance by State 1310
Federal courts, procedure upon removal from or remand to State courts 917
Grants-in-aid, acceptance by State Board of Public Welfare, authorized, for general assistance to needy persons 1186
Plans for use of Neuse River by steam electric generating plants, governmental approval of 612
U. S. Senate, primary elections, notice of candidacy, requirements in case of two vacancies from North Carolina 1059
Veterans Hospital at Oteen, appropriation for improvement of guest house 1552
Local:
Iredell County, drainage districts, cooperation with federal government 1671
Rowan County, drainage districts, cooperation with federal government 1671

University of North Carolina:
Escheats:
Surplus assets of inoperative State boards 844

Page

University of North Carolina—(Continued)
Escheats—(Continued)
Unclaimed bank deposits, law amended 1230
Unclaimed funds held by life insurance companies 704
Medical student loans, credits for services in rural areas 1154
Power to sell or lease public utility systems 673
School of Dentistry, establishment and operation, authorized 498
Session laws and other state publications, distribution of, law amended 1434

Used Automobiles:
Inspection of used out-of-state cars before registration in State 695

Utilities Commission—See North Carolina Utilities Commission

V

Valdese, Town of:
Election of mayor and members of board of commissioners, law amended 183

Vance County:
Carnivals sponsored by certain war veterans' organizations exempt from regulatory law 181
Compensation of certain officials and employees, increase authorized 407
Recorder's Court, consolidation with municipal court of Henderson 408
Townesville Township bonds, validated; refunding bonds authorized; special tax levy 888

Vass, Town of:
Water bonds, validated; refunding bonds authorized 1389

Vaudeville Shows:
Graham County, prohibited 1003
Haywood County, prohibited 1003

Venue:
Adoption of minors, special proceeding 269
Civil actions arising out-of-state, all parties non-resident, powers of court 696
Divorce actions, law as to venue amended 227
Execution sales, regulations and procedure 757, 775
Judicial sales, regulations and procedure 757
Missing persons, venue for administration proceedings 583

Page

Veterans of Foreign Wars—See Veterans of Wars

Veterans of Wars:

General:

Children of disabled World War Veterans, free tuition at State educational institutions ____ 1192

Confederate pensioners dying in State and local institutions, payment of burial expenses ____ 1154

Confederate soldiers' widows and daughters, eligibility for admission to Confederate Woman's Home ____ 91

Confederate veterans, pensions for soldiers, widows, and servants, law amended ____ 1398

County Veterans Service Officer, appropriation for supplement to county funds ____ 1690

Disabled Veterans:

Exemption from taxation of motor vehicles given by federal government ____ 100

Fees for registration and licensing of passenger vehicles ____ 94

Employment Security Act, services rendered for nationally recognized veterans' organizations, exempted ____ 972

Friendship gifts from Veterans' Organization of French Republic, title vested in State ____ 1220

Mutual housing associations, non-profit housing corporations, for low-rent projects, organization authorized ____ 1195

N. C. Veterans Commission, ex-officio members; definition of "Veterans organization" ____ 435

Spanish American War Relief Fund, annual payments to quartermaster, United Spanish War Veterans ____ 496

Tax assessments against veterans due State, cancellation in certain cases ____ 388

Veterans' Hospital at Oteen, appropriation for improvement of guest house ____ 1552

World War veterans loans, law amended as to retirement of general fund bonds ____ 674

Local:

Bertie County, appropriation to VFW for payment on Veterans Memorial Club building, authorized ____ 481

Cumberland County, special tax levy for veterans service office authorized ____ 1007

Greensboro, World War Memorial Commission, transfer of powers and duties ____ 709

Haywood County, memorial association for establishment of veterans' cemetery ____ 105

Page

Veterans of Wars—(Continued)
Local—(Continued)
Henderson County, salary of Veterans Service Officer; tax levy authorized 498, 916
Jones County, appropriation for County Legion Fair authorized 177
Pender County, appropriation towards construction of American Legion Hut, ratified 68
Vance County, carnivals sponsored by certain veterans' organizations exempt from regulatory law 181
Waynesville, memorial association for establishment of veterans' cemetery 105
Wilmington, pension funds, payments for employees for period of military service 710

Veterans Service Officers—See Veterans of Wars

Vital Statistics:
Adoption of minors, report of change of name of child to State registrar 276
Birth and death certificates of non-residents, forwarded to county of residence 101
Birth and death records, access to, restricted; contents of records 134, 135
Birth registration card, contents; availability of complete information restricted 134
Certificate of identification for child of foreign birth 134
Death certificates for members of armed forces killed outside U. S. 144
Local registrars, law relating to compensation, amended 282

Voting—See Elections and Election Laws

Voting Machines:
Counties and municipalities authorized to purchase for use in primaries and elections 278

W

Wadesboro, Town of:
Graded School District, Act relating to establishment repealed 1525

Wagram, Town of:
Police officers, jurisdiction extended beyond corporate limits 961
Traffic bureau, establishment authorized 1556

Page

Wake County:

ABC store profits:

Allocation of percentage to incorporated municipalities 1283

Expenditure for certain public purposes 111

Apex, police jurisdiction extended beyond corporate limits 530

Assistant clerks of superior court, authority for appointments 61

Beer and wine, manufacture and sale near Holly Springs Baptist Church, prohibited 1567

Board of commissioners, compensation of members 1569

Board of education, certain conveyances validated 309

Board of elections, powers and duties as to municipal elections in City of Raleigh 1442, 1466-1475

Building code, application of code of City of Raleigh beyond corporate limits 540

City of Raleigh and county authorized to consolidate tax listing and tax collecting functions 351

Electrical and plumbing installations, City of Raleigh authorized to extend inspection ordinances beyond limits 540

Fees and commissions of certain officers, into general fund 406

Harnett County area, law granting Wake commissioners jurisdiction repealed 863

Motor vehicle races on Sunday prohibited 146

Public drunkenness, punishment 209

Public records, authority for photostating, etc.; disposal of inactive records 1293

Raleigh City Planning Commission (Enlarged), appointment of additional members by county 541

Recorders court of Cary, Meredith and House Creek Townships created 1011

Recorders court of Middle Creek Township, compensation of recorder 616

Recorders' courts, appropriations towards maintenance authorized 480

Salaries of auditor, coroner, register of deeds, sheriff and treasurer 615

Salaries of certain officials and employees, payment from general fund 406

Salary of clerk of superior court 419

Shaw University, charter amended as to powers; tax exemption 1288

Tax collector, relief from charge of uncollectible taxes 447

Taxes, payment of certain delinquent taxes into School Fund 446

Wild game, regulation of exhibition of 836

Page

Wallace, Town of:
ABC stores, election on establishment of; allocation of profits 1407
Charter, revised and consolidated 601

Walnut Cove, Town of:
ABC stores, election on establishment of; allocation of profits 1375
Extension of time for issuance of certain bonds 1117
Real property, certain conveyances validated 745

War Memorials—See Memorials

War Veterans—See Veterans of Wars

Warrants—See Criminal Procedure

Warren County:
ABC stores, allocation of profits 175
Superintendent of schools, faithful performance bond required 180

Warrenton, Town of:
Mayor and commissioners, compensation 73

Warsaw, Town of:
ABC stores, election on establishment of; allocation of profits 1413

Washington, City of:
Recorder's court, authority of Beaufort County Commissioners to fix salary of judge 1358
Spur railroad and other crossings over public streets, authorized 556
Warrant officers, appointment by board of aldermen authorized; powers and duties 298

Washington County:
ABC law enforcement officer, appointment of 629
ABC store profits, law amended as to distribution 1068
Board of education, appointment of members 743
Certain acts of deputy clerk of superior court, validated 1566
Constable of Lees Mills Township, compensation of 643
County commissioners, election and terms 628
Justices of the Peace Act, biennial appointments, amended as to county 1564
Marriage licenses, Act regulating issuance to non-residents of State amended to exempt county 17
Recorder's court, term of judge 1287
Scuppernong Drainage District, name changed to Upper Scuppernong Drainage District; boundaries defined 1061

Page

Washington Park, Town of:
Town officials, biennial election of 43

Watauga County:
Profanity, use on public highways, law as to penalty, amended 959
Quadrennial reassessment of property, postponement authorized; procedure; powers of officials 152
Superior Court terms 714

Wayne County:
ABC store profits, basis of distribution upon authorization of stores 1143
Construction of school buildings, law relating to public building contracts amended 194
Counsel appointed in criminal cases, compensation 531
Delinquent tax collections, appropriation to general county fund 10
Fremont City School Administrative Unit, election on supplement tax levy 431
Mount Olive Elementary School plant, transfer of funds for new construction project, validated 573
Quadrennial assessment of property, postponement authorized 16
Re-dried tobacco stored for shipment out of county, ad valorem tax exemption 1292
School bonds, transfer of proceeds for construction of elementary school plant, validated 650
Seymour Johnson Army Airfield, police powers of City of Goldsboro extended to area 859

Waynesville, Town of:
Corporate limits, extended 285
Mayor and aldermen, compensation 289
Memorial association for establishment of veterans' cemetery 105
Sale of timber from watershed property authorized 40

Weapons:
Law prohibiting carrying of concealed weapons rewritten; disposition upon conviction 1548

Weigh Masters:
Application for license, law amended 1112

Weights and Measures:
Act relating to manner of sale of certain commodities amended 1099
Bread, standard loaf established 1143
Coal, coke, and charcoal, law amended regulating sales and weighing 969

Page

Weights and Measures—(Continued)
Milk, Board of Agriculture authorized to prescribe standards for sale 1112
Public weigh masters, application for license, law amended 1112
Scale mechanics, law relating to, amended 1112
Technical errors in regulatory Act corrected 1113

Weldon, Town of:
Private sale or lease of community center authorized; use of certain funds for improvement 320

Welfare—See Public Welfare

Welfare Superintendents—See under particular County, City or Town; see Public Welfare

Wendell, Town of:
Private sale of certain property to J. E. and W. E. Perry validated 7

West Monroe, Town of:
Charter repealed, town incorporated into City of Monroe 652

Whitakers, Town of:
Mayor's court, patrol car fee as part of costs in criminal cases 406
Traffic Bureau, establishment authorized 910

White Canes:
Use by other than blind persons prohibited; right of way privileges for blind users 303

Whiteville, Town of:
ABC stores, election on establishment of; allocation of profits 1379
Beer, regulation of sale; licensing of dealers 466
Columbus County identification expert, cooperation with police department 468

Widows:
Confederate soldiers, eligibility of widows for admission to Confederate Woman's Home 91
Confederate soldiers, pensions for widows, law amended 1398

Wild Animals:
Wake County, regulation of exhibition of 836

Wilkes County:
Justices of the peace, biennial appointments, law amended as to county 1565

Page

Wilkes County—(Continued)
Sheriff and deputies, fees of ... 632
Superior Court, terms of ... 1133

Wills:
Corporate trustees, Act relating to witnessing of wills by stockholders ... 41
Deputy clerks of superior courts, prior acts in probating wills, etc., validated ... 1232
Missing persons, probate of wills ... 583

Wilmington, City of:
Firemen's Pension Fund, Act amended ... 708
Nixon, Mrs. Margaret:
Eligibility for benefits under retirement system ... 886
Pension authorized ... 1207
Payment of pension to Riley D. Smith, authorized ... 885
Pension funds, payments for the benefit of certain employees authorized ... 710
Police Pension Fund, law amended ... 1647
Private sale of real estate acquired through tax foreclosure sales, authorized ... 392

Wilson County:
Board of education, conveyance of certain land to S. H. Crocker, validated ... 580
Clerk of superior court, law relating to fees amended ... 1675
Register of deeds, fees for recording chattel mortgages, etc. ... 1171

Wine—See Alcoholic Beverages

Winston-Salem, City of:
ABC stores, election on establishment of; allocation of profits inoperative upon call of County election ... 1684
City Manager authorized to appoint certain officers and employees 27
Corporate limits redefined ... 114
Election laws revised ... 121
Firemen's Retirement Fund Association, Act amended ... 840
Mayor and members of board of aldermen, compensation ... 281
Officials, change of title of certain officials ... 128
School Administrative Unit, boundary lines ... 128
Wards, number increased and boundaries defined ... 123

Page

Witnesses:

Fees—See Salaries and Fees

Stockholders of corporate trustees, Act relating to witnessing of wills by ____ 41

Workmen's Compensation Act:

Firemen, certain heart diseases deemed occupational diseases ____ 1239

Municipal fire department employees, coverage while on duty outside corporate limits ____ 68

Spinal paralysis, benefits for permanent total disability on account of ____ 1153

State, county, and municipal employees, coverage while engaged in extra-territorial duties ____ 396

World War Veterans—See Veterans of Wars

Wrightsville Beach, Town of:

ABC store profits and other non-tax revenues, use for advertising town ____ 578

Wrongful Death:

Immediate final settlement of decedent's estate authorized in certain instances ____ 53

Notice to creditors of decedents, publication of, not required in certain instances ____ 52

Y

Yadkin County:

Clerk of superior court assigned duties as judge of juvenile court 138

Foreclosure of certain tax liens, statute of limitations ____ 51

Law enforcement officers, required to refer intoxicating liquor cases to State courts; punishment for failure ____ 95

Register of deeds, assigned duties as secretary to county commissioners ____ 138

Salaries of certain officials ____ 138

Sheriff and deputies, compensation ____ 448

Sheriff, authority to appoint certain deputies ____ 138

Yancey County:

Compensation of county accountant for services as tax collector ____ 63

Fox hunting, regulation of ____ 833

Jurors, compensation ____ 630

Jury Commission abolished ____ 630

Yanceyville, Town of:

Beer and wine, law regulating sales, amended ____ 953

Page

Z

Zebulon, Town of:
Filing fee for notice of candidacy 549

Zoning Laws and Regulations:
General:
Boards of Adjustment, appointment of alternate members 1109
Camp Butner Property, N. C. Hospitals Board of Control, zoning powers 58
Municipal corporations, joint functioning with sanitary districts and other municipalities in zoning matters 1385
Sanitary Districts, power to establish zoning areas 1385

Local:
Chapel Hill, zoning powers extended beyond corporate limits 640
Cherry Point Marine Corps Air Station Zoning Commission, creation, powers, jurisdiction 457
Clay County and Town of Hayesville, joint planning board 397
Durham (City):
Cooperation in surveys and studies outside limits; appropriations authorized 951
Regulation of subdivisions of real property 338
Durham County:
Board of commissioners authorized to adopt zoning ordinances 1196
Establishment of county planning boards, law relating to, made applicable 985
Gastonia, Planning and Zoning Commission created; powers extended beyond corporate limits 732
Granville County, notice of public hearing on zoning regulations 611
Raleigh:
Charter rewritten, including provisions as to zoning powers 1505
Planning and zoning powers extended beyond corporate limits 541
Reidsville, regulation of real estate subdivisions 338
Tarboro, zoning powers extended beyond corporate limits; additional members of Zoning Commission 1521

INDEX
to the
RESOLUTIONS

SESSION 1949

A

Page

Adjournment sine die:
Time for ____ 1742

American Association of Teachers Colleges:
Invitation to meet in State ____ 1705

Appalachian State Teachers College:
Invitation to American Association of Teachers Colleges to meet at College ____ 1705

Appropriations:
Inaugural ceremonies, appropriation for expenses ____ 1695

Attorney General:
Expression of appreciation to Attorney General and staff for assistance in legislative drafting ____ 1727

Aycock, Charles B.:
Commission to make study of establishment of birthplace memorial ____ 1702

B

Bennett Place Memorial Commission:
Appointment of members ____ 1736

Blind Persons:
N. C. members of Congress urged to support present system of administration of aid to blind ____ 1722

Blue Star Memorial Highways:
Approval of plan by General Assembly ____ 1710

Broughton, Honorable Joseph Melville:
Death of, resolution of sympathy ____ 1712

Page

C

Camp Lejeune:
General Assembly:
Resolution as to visit to Marine Base ... 1698
Resolution of appreciation for hospitality ... 1738

Cohoon, Honorable C. Earl:
Death of, resolution of sympathy ... 1711

Commissioner of Insurance:
Investigation of fire insurance rate on tobacco storage barns ... 1741

Commissions:
Aycock, Charles B., Commission to make study as to establishment of birthplace memorial ... 1702
Bennett Place Memorial Commission, appointment of members ... 1736
Commission for study of Local Governmental Employees' Retirement System, creation of ... 1733
Daniels, Josephus, commission to study proposals for permanent memorial ... 1700
Domestic relations, continuation of Commission to study laws pertaining to ... 1736
Governor's Mansion, Commission to survey condition of ... 1704
State Planning Board, special legislative commission for investigation as to permanent Board ... 1713
State-Municipal Road Commission, appointment of members; duties; etc. ... 1728

Congress:
Aid to blind persons, N. C. members urged to support present system of administration ... 1722
Broughton, Honorable J. M., U. S. Senator, resolution of sympathy 1712
Dry-docks for servicing reserve fleets of Maritime Commission, location at Wilmington urged ... 1709
Federal Aid to Education, N. C. members urged to support legislation for ... 1707
Intracoastal Waterway, N. C. members urged to secure appropriation for inlet at Myrtle Grove Sound ... 1714
Tidelands, N. C. members urged to support legislation confirming title of states ... 1724
Veterans hospitals, N. C. members urged to secure location in State ... 1697
World Federal Government, resolution relating to proposed constitutional amendment as to ... 1734

Page

D

Daniels, Honorable Josephus:
Commission to study proposals for permanent memorial ... 1700

Domestic Relations:
Continuation of Commission to study laws pertaining to ... 1736

E

Education:
N. C. members of Congress requested to support legislation for federal aid to education ... 1707
Regional compact for educational services approved ... 1716

F

Forsyth County:
Resolution as to centennial celebration ... 1740

G

General Assembly:
Adjournment sine die, time of ... 1742
Attorney General and staff, expression of appreciation for assistance in legislative drafting ... 1727
Aycock, Charles B., commission to make study as to establishment of birthplace memorial ... 1702
Broughton, Honorable J. M., attendance of General Assembly at funeral services ... 1712
Camp Lejeune:
Resolution as to visit of General Assembly to Marine Base ... 1698
Resolution of appreciation for hospitality ... 1738
Commission for study of Local Governmental Employees' Retirement System, report required in 1951 ... 1733
Governor:
Address, printing and distribution of ... 1696
Budget message, printing and distribution of ... 1700
Invitation to address Joint Session, January 17th ... 1699
Invitation to address Joint Session, February 23rd ... 1707
Invitation to deliver special message on schools and school buildings ... 1703
Mansion, commission to study condition of, report to General Assembly ... 1704
Notification of organization of General Assembly ... 1695
Inaugural ceremony:
Committee for arrangements; appropriation for expenses ... 1695

Page

General Assembly—(Continued)
Inaugural Ceremony—(Continued)
Joint Session to receive inaugural address ... 1696
Institute of Government, expression of appreciation for services ... 1739
Presidential inauguration, appointment of committee to attend ... 1699
Provincial Congress, adjournment in recognition of Halifax Resolution ... 1730
State Board of Education, joint session for approval of appointments ... 1739
State Planning Board, Commission for investigation as to permanent Board; report to Assembly ... 1713
University of North Carolina:
Joint Session for election of trustees ... 1731

Governor:
Address to General Assembly, printing and distribution of ... 1696
Aycock, Charles B., appointment of commission to make study as to establishment of birthplace memorial ... 1702
Budget Message, printing and distribution of ... 1700
Commission for study of Local Governmental Employees' Retirement System, report of ... 1733
Daniels, Honorable Josephus, commission to study proposals for permanent memorial; appointment of members ... 1700
Domestic relations, continuation of commission to study laws pertaining to; appointment of members ... 1736
General Assembly:
Governor notified of organization of ... 1695
Invitation to address Joint Session, January 17th ... 1699
Invitation to address Joint Session, February 23rd ... 1707
Invitation to deliver special message on schools and school buildings ... 1703
Governor's Mansion, Commission to study condition of ... 1704
Inaugural ceremony:
Appropriation for expenses; committee for arrangements ... 1695
Joint Session of General Assembly to receive inaugural address ... 1696
Regional compact for educational services approved; Governor authorized to sign ... 1716
State Planning Board, Special Legislative Commission for investigation as to permanent Board; appointment of members 1713
State-Municipal Road Commission, appointment of members ... 1728
Tidelands legislation, Governor directed to forward resolution to members of Congress ... 1724

Page

Governor's Mansion:
Commission to survey condition of; report to General Assembly 1704

H

Halifax Resolves of April 12, 1776:
Adjournment in recognition of 1730

Harris, Honorable William Henry:
Death of, resolution of sympathy 1708

I

Infantile Paralysis:
Expression of appreciation for services of National Foundation; citizens urged to contribute 1701

Inaugural Ceremonies:
Appropriation for expenses; committee for arrangements 1695
Joint Session of General Assembly for inauguration of Governor and other State officers 1696
United States Presidential inauguration, appointment of committee to attend 1699

Institute of Government:
Expression of appreciation for services 1739

Intracoastal Waterway:
Inlet at Myrtle Grove Sound, N. C. members of Congress urged to secure appropriation for 1714

L

Local Governmental Employees' Retirement System:
Commission for study of System, creation of 1733

Mc

McGuire, Mrs. Margaret:
Death of, resolution of sympathy 1723

M

March of Dimes:
Expression of appreciation to National Foundation for Infantile Paralysis; citizens urged to contribute 1701

Municipal Corporations:
State-Municipal Road Commission, creation of; duties; appointment of members 1728

Page

Myrtle Grove Sound:
Inlet to Intracoastal Waterway, N. C. members of Congress urged to secure appropriation for 1715

N

N. C. Fire Insurance Rating Bureau:
Commissioner of Insurance, investigation of fire insurance rates on tobacco storage barns 1741

National Foundation for Infantile Paralysis:
Expression of appreciation for services; citizens urged to contribute 1701

North Carolina College of Durham:
Dr. James E. Shepard, death of, resolution of sympathy 1705

P

Ports:
Dry-docks for servicing reserve fleets of Maritime Commission, favorable consideration by Congress of Commission recommendation urged 1709

President of United States:
Appointment of committee to attend inauguration 1699

Printing:
Governor's Address to General Assembly, printing and distribution of 1696
Governor's Budget Message, printing and distribution of 1700
School Machinery Act, printing and distribution of 1731

R

Regional Compacts:
Compact for regional educational services approved; Governor authorized to sign 1716

S

School Machinery Act:
Printing and distribution of 1731

Scoutmasters:
Expression of appreciation for services 1740

Secretary of State:
Resolution as to location of floating dry-docks, transmittal of copies 1709
School Machinery Act, printing and distribution of 1731

Page

Secretary of State—(Continued)
Shepard, Dr. James E., deceased, resolution of sympathy, transmittal of copies 1705
World Federal Government, transmittal of copies of resolution relating to 1734

Shepard, Dr. James E.:
Death of, resolution of sympathy 1705

State Board of Education:
Joint Session of General Assembly for approval of appointments 1739

State Highway and Public Works Commission:
Blue Star Memorial Highways, approval of plan; designation of highways 1710
State-Municipal Road Commission, clerical assistance furnished; payment of expenses 1728

State Planning Board:
Special Legislative Commission for study as to permanent Board 1713

State-Municipal Road Commission:
Creation of; duties; appointment of members 1728

Submerged Lands:
N. C. members of Congress urged to support legislation confirming title of states 1724

T

Tidelands:
N. C. members of Congress urged to support legislation confirming title of states 1724

U

United States Congress—See Congress

United States Maritime Commission:
Dry-docks for servicing reserve fleets, favorable consideration by Congress of Commission recommendation urged 1709

University of North Carolina:
Institute of Government, expression of appreciation for services 1739
Joint Session of General Assembly for election of trustees 1731

V

Veterans Hospitals:
N. C. members of Congress urged to continue efforts to secure location of hospitals in State 1697

Page

W

Watauga County:
Resolution as to centennial celebration 1732

World Federal Government:
Resolution relating to proposed constitutional amendment to provide for establishment of 1734